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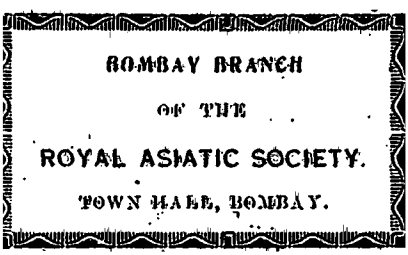

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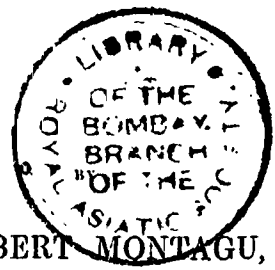

LORD ROBERT MONTAGU, M.P.

"Les Révolutions qui arrivent dans les grands états ne sont point un effet du hasard, ni du caprice des peuples."—*Sully.*

"Ex præteritis præsentia æstimantur."

"Les sottises des pères sont perdues pour les enfants."

"They who can read the political sky, will see a hurricane in a cloud no bigger than a hand, at the very edge of the horizon."—*Burke.*

"All this is done upon their favourite principle of disunion, of sowing jealousies amongst the different orders of the State, and of disjointing the natural strength of the kingdom; that it may be rendered incapable of resisting the sinister designs of wicked men, who have engrossed the royal power."—*Burke: Cause of the Present Discontents.*

"Hoc vero occultum, intestinum, domesticum malum, non modo non existit, verum etiam opprimit, antequam perspicere atque exploraro potueris."—*Cicero.*

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LINCOLN'S INN FIELDS.

A MIRROR IN AMERICA.

GREAT lessons are to be learnt from great events. Erroneous theories and prevalent fallacies always expose themselves, by their results, to those who care to connect effects with their causes. There is a Nemesis in the affairs of states as well as in the lives of men. It is therefore an act of needless folly to regard events as merely the fortuitous footfalls of chance. Events are the hieroglyphics of God. He does not speak with human voice, but traces His will in history. Events must be truly known to be interpreted; and interpreted to be truly known.

There are three ways of considering every event. First, in a shallow, frivolous spirit, without making any attempt to discover causes and to connect them with effects; but merely for the sake of amusement, and in order to beguile the tedium of a listless hour. Secondly, with the eye of faction, with the intention to wrest and twist it to some preconceived purpose or design. Thirdly, it may be judged according to the standard of right and wrong which is implanted in the heart of every man. I trust that no preconceived notions, no party prejudices, no mere idle desire for

amusement may be allowed to come between us and the subject under our consideration, to darken and obscure the lesson which we should learn, or to make us shrink from applying it in our own case and to the circumstances of our own time.

It is not my intention to enlarge upon the opposition in character between the Northerns and the Southerns in the United States of America; nor to dilate upon their differences in blood, in habits, in traditions, and in associations. All these may aggravate the symptoms, but do not seem to me to be the cause of the disorder. Races of most opposite character have at all times and in various places continued to live together in peace and harmony, whenever they have retained their local administration. Those identical materials, which are now jarring and discordant, existed in America before the United States were dreamt of; it was they who, of their own accord, brought about the Union.*

For similar reasons, I cannot ascribe these convulsions in America to the circumstances and conditions of trade. I am quite aware that our trade with the South passes, in a great degree, through the North; and that often the British trade-marks are fraudulently stamped upon inferior articles which have been manufactured in the North, and that these inferior manufactures are then sold at the prices of British goods to the Southerns. I am also aware that two-thirds of all the exports from the United States come from the South, and that this trade has been hampered by the

* I have purposely made that proviso, and asserted that harmony has been preserved whenever they have retained their local administration; for intimate union has otherwise generally occasioned a clashing of interests, and provoked disorder and animosity.

unjust restrictions imposed by the North. These may serve as an aggravation of the symptoms; but are not sufficient to be accounted as the origin of the disease.

The assumption that slavery is the cause of the conflict is, I believe, equally unfounded and fallacious. As this charge, however, has been seriously advanced, and not frivolously hazarded, it deserves a somewhat stricter investigation.

1. In the Northern States, the negro is treated with a personal repugnance and loathing never witnessed in the Southern States. However industrious, however respectable, however worthy a man may be, yet if he has the slightest "taint" of negro blood in his veins, although this "taint" be so slight that the unpractised eye of a European could never discover it, he will be avoided and shunned with disgust, throughout all the Northern States. Would such a feeling be consistent with a war for emancipation? Can such a pretence be ever believed and accepted? Mr. Lempriere states that Indiana, Illinois, Oregon, Minnesota, Missouri, and other Northern States, prohibit the immigration of blacks, who are always avoided in great disgust. Thus in Philadelphia there are 20,000 negroes, of whom 5,000 are paupers, and the rest can gain no respectable livelihood. And Mr. Lempriere continues, "The same state of things I have witnessed in Boston and New York. . . . In the Northern States, the fact is indisputable that the negro is not cared for, and has no estate or provision recognized by law or in society; but is forced into degradation and want, without chance or hope of escape." Can the Northerns be said to act upon that Declaration of American Independence which began with the words, "All men are equal"?

Then still less can we believe that they are going to war in support of that principle.

2. It is a regular practice to send pauper children from New York to the West, and to "bind them out" to farmers for a term of years; where their treatment is such that it has been said, that "while the Southerns have black slaves, the Northerns have white ones." This, also, casts discredit on the pretence that the war which is now being waged is a war for emancipation.

3. The Northerns, when it suits their purpose, profess a righteous horror at the injustice of enslaving fellow-creatures. If they really entertain that love for right and justice which they profess, they would hardly proceed to ROB the Southerns of their property. They would rather imitate the example which we set them, and pay for the emancipation of slaves, than wage a fratricidal war, in order to wrest from the Southerns their property.

4. At one time slavery extended throughout the whole of the United States. In the Northern States slavery was subsequently abolished; not through any philanthropical feeling,—not even for political reasons,—but simply because it was found that it "did not pay." Slave labour does not answer for the kind of work which has to be performed in the Northern States. As soon as this fact was established, the States of Ohio, Illinois, Indiana, and Minnesota, passed laws forbidding any person of negro blood to set foot on their territory. In the "Report of the Joint Committee of the General Assembly of Virginia, January 26th, 1860," we find the following statement:—"In the more northern members of Confederation, the institution of slavery was recognized and protected by

the laws of all the colonies. Experience had shown that the African race were not adapted to high northern latitudes, and that slave labour could not compete successfully with free white labour, in those pursuits to which the industry of the North was directed. This discovery having been made, the people of the North, at an early day, began to dispose of their slaves, by sale, to citizens of the Southern States."

5. In the year 1850 there arose a warm discussion on the organization of the new territories of Utah and Mexico. The question at last assumed a threatening aspect. The quarrel was, however, eventually settled in the following manner: Mr. Clay's proposition of "squatter sovereignty," (that is to say, the rule that the settlers shall in every case choose their own constitution) was accepted; and the North agreed to pass the 'Fugitive Slave Law.' This law did, in fact, merely declare a right which was granted by the original constitution of 1787; it gave great facilities for capturing slaves throughout the whole Union, and, in fact, proclaimed all the United States to be in favour of slavery.*

6. The Southern States are exceedingly profitable to the North, in a commercial sense. The trade of seven hundred thousand square miles of land in the Southern States passes, to a considerable extent, through the North; a trade which must be enormous, for more than two-thirds of the exports from the whole United States are produced in the South. Is it to be supposed that the Northerns, (who, it has been said, would abandon every principle, and sacrifice

* The admission of Missouri and Arkansas was one of the conditions of the compromise.

every tie, for the sake of the "almighty dollar,") would be willing to retain the vast cotton-fields, and yet ruin all the greatness of the produce by the abolition of slave labour?

7. Most of the vessels which have been employed in that nefarious slave-trade, have been prepared and fitted out in New York and Boston. Moreover, it is said, that whenever the Yankees capture a slaver, they sell her, so that her owners in the North may purchase her again, and start her on another voyage.

8. The Northerns did never even pretend to undertake a crusade for the liberation of slaves. The question of slavery was brought forward in Congress in the year 1790, and a resolution was passed unanimously by the whole Congress. It was this,—"That Congress have no authority to interfere in the emancipation of slaves, or in the treatment of them in any of the States, it remaining with the several States alone to provide rules and regulations therein which humanity and true policy may require."

Daniel Webster, in 1830, said, with regard to this resolution,—"The House agreed to insert these resolutions in its journal, and from that day to this it has never been maintained or contended that Congress had any authority to regulate or interfere with the condition of slaves in the several States." There is not even a word about abolition of slavery in President Lincoln's message to Congress. On the contrary, the Federal Government have sanctioned slavery, and declared that they "do not wish to meddle with the peculiar institutions of the South."

President Lincoln (Inaugural Address, March 4, 1861) said:—"I have no purpose, directly or indirectly, to interfere with the institution of slavery in

the States where it exists; I believe I have no lawful right to do so, and I have no inclination to do so. . . . The clause I now read is as plainly written in the Constitution as any other of its provisions: 'No person held to service or labour in one State under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labour, but shall be delivered up on claim of the party to whom such service or labour may be due.' "

Again, after President Lincoln's accession, the Federal Government offered to guarantee to the Southern States a full possession of their slaves, and even proposed to give additional securities for the capture of fugitive slaves.

A few days ago, General Fremont declared that the slaves of all insurgent proprietors should be liberated. He, the most consistent abolitionist of that whole party, thereby acknowledged the right of all, except allowed insurgents, to hold slaves. President Lincoln, however, and the Federal Government would not go so far even as this, but repudiated General Fremont's declaration, ordered him to withdraw it altogether, and subsequently dismissed him from his governorship.

Any candid inquirer would conclude from the above-mentioned facts, that the Northerns generally entertain no sincere desire for the emancipation of slaves. It is equally manifest that the resistance of the Southerns does not proceed from any suspicion that the Northerns are favourable to emancipation. In Maryland, for instance, there are hardly any slaves. If then emancipation were the real question at issue, the tendency of this State would be on the side of the

Federal Government. Yet what is the real state of the case? The elections in that State took place in the presence of a large number of Federal forces, and in the absence of all influence from the Confederates. The Legislature which was returned was, however, so hostile to the Federal Government of Washington, that the elected members were hurried off to prison before they had made a speech or recorded a vote.

It will, moreover, be seen, from Governor Hicks's proclamation, that the Carolinians themselves refer the origin of their grievances to a period of time as far back as the year 1833. In the address of Governor Hicks, of Maryland, we find these words:—"We are told by the leading spirits of the South Carolina Convention, that neither the election of Mr. Lincoln, nor the non-execution of the Fugitive Slave Law, nor both combined, constitute their grievance. They declare that the real cause of their discontent dates so far back as 1833." Furthermore, the event of the year 1833, to which reference is here made, was but the crisis of a discontent which had long been increasing.

Lastly, John Brown (of Harper's Ferry notoriety) was hung on the 2nd of December, 1859. He was an honest, bluff, New-England Puritan; he was like one of Cromwell's "Fear-God-and-keep-your-powder-dry" Ironsides. The crime for which he was arraigned and hung was *high treason*. Yet the only act of which he was guilty, was an open attempt to liberate slaves in the South. If the Northerns now fight for the liberation of slaves, they acknowledge the justice of John Brown's act, and are proclaiming that he was judicially *murdered* by them, and that his blood, like

that of Abel, cries out from the ground against them.*

The question of slavery may therefore be dismissed from our investigation into the cause of the present secession of the Southern States.

It will, however, be necessary, in the first place, to revert to the struggle for American Independence, and calmly to consider, at this distance of time, the steps which led to the secession of the American colonies from the empire of Great Britain. Let it not be hastily assumed that that revolution proceeded from any eager partiality for certain notions, or theories of government. The courage and heroism which must have been required for such a small part of the population to resist the weight of a great and well-organized empire, prove that something greater must have moved them, and something nobler must have sustained them. It was *in defence of law and right* that they took up arms *against tyranny* and *the unconstitutional usurpation of power.* Such an assertion as this must be supported by evidence. Lord Chatham (May 27, 1774), after recounting the fact that the ancestors of our American colonists had left their own country and "encountered the innumerable difficulties of the unexplored region," rather than suffer oppression, continued, "And shall we wonder, my lords, if the descendants of such illustrious characters

* The whole force with which John Brown attempted to liberate the slaves throughout seven hundred thousand square miles, consisted of twenty-two men, of whom five were blacks. Yet he convulsed that whole quarter of the globe. In like manner, the isolated attempt of Orsini,—a single, unsupported man,—shook the whole continent of Europe, and altered the policy of a great empire. What, in these days of perplexity, cannot even one man perform even in the way of confusion!

spurn, with contempt, the hand of *unconstitutional power* that would snatch from them such dear-bought privileges as they now contend for."

Then, after speaking of the *loyal* and affectionate spirit of the American colonists, he said: "But the moment they perceived your intention was renewed to tax them under a *pretence* of serving the East India Company, their resentment got the ascendant of their moderation, and hurried them into actions contrary to law, which in their cooler hours they would have thought on with horror; for I sincerely believe the destroying of the tea was the effect of despair."

And likewise Burke said (April 19, 1774), "That for the Parliament in England by its own authority to *raise a revenue in the colonies*, appeared to the American colonists 'in the light of a great *innovation*.'" He then continued, "She has the image of the British Constitution. She has the substance. She is taxed by her own representatives. She chooses most of her own magistrates. She pays them all. She has in effect the sole disposal of her own internal government."

The feelings of the Americans themselves is testified by Lord Chatham; who, in unfolding the constitutional law upon this subject, quoted (May 27, 1774) from an American pamphlet, with the strongest approval.—"'The High Court of Parliament (said he) is the supreme legislative power over the whole empire; in all free states the Constitution is fixed; and as the supreme legislature derives its power and authority from the Constitution, it cannot overleap the bounds of it, without destroying its own foundation. The Constitution ascertains and limits both sovereignty and allegiance; and therefore his

Majesty's subjects, who acknowledge themselves bound by the ties of allegiance, have an equitable claim to the full enjoyment of the fundamental rules of the English Constitution; and that it is an essential unalterable right in nature, engrafted into the British Constitution as a fundamental law, and ever held sacred and irrevocable by the subjects within this realm—that what a man has honestly acquired, is absolutely his own; which he may freely give, but which cannot be taken from him without his consent.' This, my Lords, though no new doctrine, has always been my received and unalterable opinion, and I will carry it to my grave, *that this country had no right under heaven* to tax America."

On this subject there was no difference of opinion; concerning the constitutional law there was no question. The unconstitutional acts of the Government proceeded, not from ignorance of the law, but from motives which they could hardly dare to avow. On this point, also, Lord Chatham has borne his testimony (May 27, 1774): "But, my Lords, from the complexion of the whole proceedings, I think *that the Administration has purposely irritated them into those late violent acts*, for which they now so severely smart; *purposely to be revenged* on them for the victory they (the Americans) gained by the repeal of the Stamp Act; a measure to which they (the Administration) seemingly acquiesced, but at the bottom they were its real enemies."

Burke, on the other hand, reveals the method which was devised for effecting the purpose. He said (April 19, 1774), "At the close of last war a scheme of government, new in many things, seems to have been adopted." He then explained that Minis-

ters had contrived to establish the necessity "of keeping up no less than twenty new regiments, with twenty colonels capable of seats in this House. . . . When this huge increase of military establishment was resolved on, a revenue was to be found to support so great a burden."

The resolutions which were subsequently moved in the House of Commons fully bear out these statements. Mr. Burke, in moving his resolutions for "reconciliation with the colonies" (March 22, 1775), after alluding to the fact that the discontents arose from the desire of the Parliament *arbitrarily to impose taxes*, asserted that no shadow of liberty could exist unless the people have the power of granting their own money; and stated that the Americans were under the impression that they shared these common principles with us. He then proceeds: "They were further confirmed in this pleasing error by the form of their provincial legislative assemblies. . . . This share of the people in their ordinary government never fails to inspire them with lofty sentiments, and with strong aversion from whatever tends to deprive them of their chief importance." . . . He then sarcastically added, "Perhaps a more smooth and accommodating spirit of freedom in them would be more acceptable to us. Perhaps ideas of liberty might be desired *more reconcileable with an arbitrary and boundless authority.* Perhaps we might wish the colonists to be persuaded that their liberty is more secure when held in trust for them by us (as their guardians during a perpetual minority), than with any part of it in their own hands." And after remarking that the Ministry had "resolved that none but an obedient assembly should sit," he said, "Pursuing the same plan of punishing by the

denial of the exercise of government to still greater lengths, we wholly abrogated the ancient government of Massachusetts."

One of the resolutions was as follows:—"That it was unwarrantable, of dangerous consequence, and a high breach of the privilege of this House of Commons, for any person in the administration to promise the interposition or influence of the King, or his servants, with the House, in order to a repeal of acts, etc."

This resolution pointed more especially at an act which had been committed by the Ministry in the year 1769. In that year the Cabinet had sent over to the British Governors in America a positive promise that, on certain conditions, the odious taxing acts should be repealed. Such an act amounted to an assumption, on the part of the Cabinet, of absolute and sovereign power. In this light Mr. Burke regarded it. For, in reference to "Lord Hillsborough's Circular Letter to the Colonies" (which, he said, was penned and concocted by Lord North and the Cabinet), Mr. Burke said (April 19, 1774),—"The very first news that a British Parliament heard of what it was to do with the duties which it had given and granted to the King, was by the publication of the votes of American assemblies. It was in America that your resolutions were predeclared. It was from thence that we (House of Commons) knew to a certainty how much exactly, and not a scruple more or less, we were to repeal. We were unworthy to be let into the secret of our own conduct. The assemblies had *confidential* communications from his Majesty's *confidential* servants. *We were nothing but instruments.* . . . This House, the ground and pillar of freedom,

is itself held up only by the treacherous underpinning and clumsy buttresses of *arbitrary power*."

In accordance with this promise taxes were repealed; and a duty on tea only was retained. This was insisted on, *ostensibly* in justice to the East India Company; the true object, however, was "to preserve the right to tax the colonies." Mr. Burke asserted (May 8, 1770) that this small tax was maintained "in order to secure the sovereignty of Government; which (he said) means only,—doing something to save the honour of Ministers." The Government gained the victory over their opponents by the usual expedient; namely, by passing off a word for a thing; by inducing people to repeat the phrase which they had heard, but had not cared to understand. False terms are more effective than powerful armies. To induce a nation to give words a wrong meaning will produce a greater and more lasting effect than the completest subjugation by cannon-balls. Fallacies are more fatal than defeats. Fashionable gentlemen courteously explained to their friends that it was done in order "to secure sovereignty."* This they supposed to be the enunciation of a principle; it was only a proposition. No one thought of inquiring,—"What does this mean? what is sovereignty? and what has sovereignty to do with taxation?" The sovereignty of the *King* was never meant; for the Colonies acknowledged him, and entertained the strongest feelings of loyalty and affection towards him. They even appealed to the King against the minister, who was in fact not the minister appointed of the Crown, and narrowly watched by the House of Commons; but the nominee

* In this day it would be called "necessary in order to carry on the *Queen's* Government."

of the majority in the House of Commons itself. No! through the currency of this phrase, the minister could use the name of the Crown, in order to cover an act of tyranny of the Cabinet. They meant "to secure the sovereignty" of Parliament; or rather, the usurped sovereignty of a Ministry who were using the Parliament to accomplish their selfish objects. This is why Lord North himself used those remarkable words: "*Those are much mistaken who suppose this is a question of the Prerogatives of the Crown.*" It was therefore to resist the encroachments of Parliament (the tool and weapon of an ambitious minister), that the United Colonies at length flew to arms. They said, as it were, "Acts of Parliament that invade rights which are inherent in the constitution are not law;" and they fought for Law against Parliament. Such a question has frequently to this day been cropping up through our history. In the days when the King himself appointed his own ministers, when ministers were the servants of the Crown, and knew that their acts would therefore be narrowly scrutinized by a fearless and honest House of Commons, then these usurpations appeared as questions of the "Prerogatives of the Crown." Since Walpole's time, however, matters have gradually changed; ministers now are virtually the nominees of Parliament; their acts are therefore not even investigated, far less are they judged and punished by a time-serving House of Commons. Ministers who are nominally servants of the House of Commons thus become really its lords. Yet the usurpations of an ambitious Ministry are still called, whenever the Parliament proves restive, "the usurpations of the Crown." "Prerogative of the Crown" now always stands for "Prerogative of a minister."

Burke saw clearly that this unconstitutional act of Lord North's was of the same nature as the usurpations recorded in history. For he said (April 19, 1774), in the debate on American Taxation,—"Could anything be a subject of more just alarm to America than to see you go out of the plain high road of finance, and give up your most certain revenues, and your clearest interest, merely for the sake of insulting your colonies? . . . . . The feelings of your colonies were formerly the feelings of Great Britain. Theirs were formerly the feelings of Mr. Hampden, when called upon for the payment of twenty shillings. Would twenty shillings have ruined Mr. Hampden's fortune? No! but the payment of half twenty shillings, on the principle it was demanded, would have made him a slave." Lord Chatham (January 20, 1775) said,—"The spirit which now resists your taxation in America is the same which formerly opposed loans, benevolences, and ship-money in England; the same spirit which called all England on its legs, and, by the Bill of Rights, vindicated the English Constitution. . . . . The country superintends and controls their trade and navigation; but they tax themselves. This distinction between external and internal control is sacred and insurmountable; it is involved in the abstract nature of things."

Again, at a subsequent period, Lord Chatham (Nov. 18, 1777) said,—"And *who* is the minister, *where* is the minister, that has dared to suggest to the Throne the *unconstitutional language* this day delivered from it? The accustomed language from the Throne has been application to Parliament for advice, and a reliance on its constitutional advice and assistance; as it is the

right of Parliament to give, so it is the duty of the Crown to ask it. But on this day, and in this extreme momentous exigency, *no reliance is reposed on our constitutional* counsels! *no advice is asked from* the sober and enlightened care of Parliament! But the Crown from itself, and by itself, declares an unalterable determination to pursue measures,—the measures that have produced the imminent perils that threaten us. . . . Your dearest interests, *your own liberties, the Constitution itself totters to the foundation.*" A few days later (Dec. 5, 1777) he spoke of "the system which had been introduced within the last fifteen years . . . of extinguishing all public and private principle. *A few men have got an ascendancy* where no man should have a personal ascendancy; *by the executive powers of the State being at their command,* they have been furnished with the means of *creating divisions.* This brings pliable men, not capable men, into the highest and most responsible situations; and *to such men is the Government of this once glorious empire now entrusted!* The spirit of delusion has gone forth! *The Ministers have imposed on the People! Parliament has been induced to sanctify the imposition!*"

Lord North himself confessed as much when, in his speech on the Address, he said (Nov. 27, 1781),—"It was not the Prerogative of the Crown, but the claims of Parliament which America had resisted." He who sits on the throne is not always the ruler. Power is not dependent on place. The Opposition had taunted him with the trite and vulgar charge that his repressive measures against the colonies were prompted by a desire to extend the power and prerogative of the Crown. His answer was as follows

(Debate on the Address, Nov. 27, 1781):—"Had that been their object, they had thrown away and rejected the opportunity. It was not the prerogative of the Crown, but the claims of Parliament that America had resisted. It was therefore to preserve the supremacy of Parliament, and to maintain ITS just rights and privileges, that they had engaged in the war, and *forborne the offer* of advancing one branch of the Legislature to the dominion of America, independent of the other two." Hence he was actually resisting the offer of the Americans to maintain the prerogative of the Crown, and cared only to extend his unjust pretensions to power as leader of the Parliament. He alluded to the appeal made by the colonies to the Crown, against the Parliament; and said that it was a question of "advancing the Crown to the dominion of America, against the will of the Lords and Commons." He knew his audience would never reflect that the Lords had nothing to do with the money-bill, which was the immediate cause of the rebellion; nor consider that he was merely using the majority of the House of Commons (which had nominated him) as a tool to unmake the Crown. He was seeking, by plunging us into this war with our fellow-subjects, to render the office of Secretary of State irresponsible, his power irresistible, and his usurpation supreme.

To Lord North, Mr. Burke replied (Nov. 27, 1781), —"The noble Lord at this moment comes down and tells the Parliament of the nation, insolently tells them, that we are fighting for a right. I say insolently, for it is an insult upon the patience of the Parliament. But I beg pardon; I agree with an honourable gentleman (Mr. Thos. Pitt) that *there is no*

Parliament, no people, or else such language, at such a day, would not be hazarded, *much less suffered.* But this is like all the rest; it is only a fresh attempt on the part of Ministers *to impose, to delude*, to draw on the people. . . . . The noble Lord deals in *cheats* and *delusions;* they are the daily traffic of his invention. . . . . He will continue to play off his cheats and delusions on the House as long as he thinks it necessary, and has money enough at command to bribe gentlemen to pretend they believe them."

Lord North, by his scheme for establishing ministerial irresponsibility, not only plunged the nation into a disastrous war, which saddled posterity with a debt of a hundred millions sterling; out of which arose another war that cost us five hundred millions more; and further prepared the way for the actual occurrences, in the United States, which now engage our attention; and the fatal effects of which we are doomed, in our own persons, to endure. Claims to contemporary fame are titles to posthumous infamy.

There are several other points of importance connected with the immediate circumstances out of which the war arose. In thus following out the thread which guided us through the dark labyrinth of events which preceded those disastrous days, in unravelling the carefully veiled project of ambition which was entertained by the Prime Minister, it was necessary to pass on rapidly and leave many minor facts unnoticed. We must now revert to them. When the Act was passed which imposed, in America, a small *import* duty on tea, instead of the larger *export* duty which had been levied in the English ports, the American colonists refused to permit the landing of the tea. The Ministry in England determined to force the tea on shore, and fixed on

Boston as the place where they would "try the question." It was then that the flame of civil war was lighted. The Governor of Boston (Hutchinson) was rewarded for his achievement. "Nobilitas, opes, gestique honores, pro crimine; et ob virtutes certissimum exitium." Then the "Boston Port Bill" was brought in.* The object of this Bill was to alter the constitution of the province of Massachusetts (which had been granted *by charter*, in the reign of William III); to take the executive power out of the hands of the people, and to vest the nomination of all officers, whether municipal or judicial, in the hands of the Crown (that is to say, in the Cabinet), and to make them "removeable at the pleasure of the Crown" (that is to say, "at the pleasure of the Ministry"). This Bill was, in fact, a means of coercion put into the hands of the Cabinet. "Prerogative of the Crown" is merely a euphemism for "Prerogative of the Ministry." The next step was to put down the Houses of Assembly, or Local Parliaments, of Boston and New York. An unenslaved Parliament is always "inconvenient"† to an ambitious Minister. The dissolution of these deliberative assemblies was ordered, for the reason that they had thought fit rather to deliberate than to "debate." They had refused to accept certain propositions, with only a formal and objectless "debate," where each man's cue was given, and each man's vote already determined; instead of previously making an anxious examination of facts, and a careful sifting of evidence, and forming a decision *after* independent

* Passed in the year 1774.

† Lord Wodehouse, Under-Secretary for Foreign Affairs, looked on the House of Commons as "an uninstructed and inconvenient mass." (See his evidence before the Diplomatic Committee, 1861.) Lord Derby seems to have entertained much the same opinion in February, 1855.

deliberation. In a *colony* the "inconvenient" desire for such freedom of thought and action might perhaps be put down with a high hand; instead of having to wait for obtaining the same result by the sure but slower process of making divisions, and raising up factions, until people, through very weariness, were willing to be deluded and deceived. Therefore, in the colonies of Boston and New York, troops were quartered upon the colonists without their sanction, and the "inconvenient" Parliaments were suppressed. Armies were marched against rights which they could not deny, to resist consequences which they could not endure. In those days Cabinets had already acquired the valuable art of using the Liberty of the Press for enslaving the nation. Thus Burke said, in the debate on the Boston Port Bill (March 25th, 1774)—"Persons who oppose this Bill are immediately put to the same kind of punishment, *in the public papers*, which offenders in America are." It is the anonymous character of the Press which shrouds it in mystery, and gives it such power. If the writers of the articles could be seen and spoken to, if their names only were known, their opinions would be scorned, their writings would remain unread. "Omne ignotum pro magnifico" is the fallacy which enables a free Press to tyrannize over a spell-bound people.

From the Life of Chatham, the same information may be gathered:—"Upon this occasion (of landing the teas at Boston) the Ministry resorted to the same methods to deceive the nation, which had been so successfully practised by their predecessors, and during the administration of the Earl of Bute, viz.—hiring a number of writers, hiring a number of newspapers, and printing an immense number of pamphlets. . . . Ad-

dresses highly flattering to Ministers, in their contest with America, were also procured from every venal borough and town." * These were the "drummers and trumpeters of faction," hired to drown any voice, in their clamour and din. The ends of the Ministry were ignoble; their means unscrupulous.

In this same year the Quebec Bill was passed. Lord Chatham's words on that occasion leave little room for doubt, and still less for false excuses and apologetic untruths (June 17, 1774):—"It will involve a large province in a thousand difficulties, and in the *worst of despotism, and put the whole people under arbitrary power;* it is a most cruel, oppressive, and odious measure, tearing up justice and every good principle by the roots; by *abolishing the trial by Jury, together with the Habeas Corpus*, I suppose that *the framers of the Bill think this mode of proceeding the most satisfactory;* but every *true* Englishman is ready to lay down his life sooner than lose those two bulwarks of his personal security."

The evil which Chatham and Burke tried to resist was therefore the unconstitutional assumption of arbitrary power by the first Minister; the lesson which they laboured to enforce was that it is impossible that absolute power can thrive when local administrations are maintained throughout a country. When the people govern themselves, it is impossible that they should suffer from either the oppression of a grasping cabinet, or the tyranny of a passionate mob. The first care of an ambitious Minister is, therefore, to abolish local institutions; to gather together all the power and all the administration into offices which shall be constantly under his thumb. Thus, in Mr. Burke's

* Life of Chatham, 1810, vol. i. page 245.

opposition to these Bills, the principle which he fights for, but fails to establish, is that the American colonies "should be allowed to govern themselves by *their own internal policy;*" which he calls "the vital principle of English liberty." *

Lord Chatham (January 20th, 1775) drew the same lesson from these occurrences:—"Let the sacredness of their (the Americans') property remain inviolate; let it be taxable only by their own consent, *given in their provincial assemblies.* . . . Resistance to your acts was necessary as it was just; and *your vain declarations of the omnipotence of Parliament*, and your imperious doctrines of the necessity of submission, will be found equally impotent to convince or to enslave your fellow-subjects in America; who feel that *tyranny, whether ambitioned by an individual, by part of the legislature, or by the bodies who compose it*, is equally intolerable to British subjects."

Mr. Burke, (March 22nd, 1775,) in the same year, enlarged still more upon this subject:—"My idea is this: that an empire is the aggregate of many states under one common head: whether this head be a monarch or a presiding republic. It does in such constitutions frequently happen (and nothing but *the dismal, cold, dead uniformity of servitude can prevent it happening*), *that the subordinate parts have many local privileges and immunities.* . . . Now in such unfortunate quarrels among the component parts of a great political union of communities, I can scarcely conceive anything more completely imprudent than for the head of the empire to insist, that, if any privilege is pleaded against his will or his acts, his whole authority is denied: instantly to proclaim rebellion, to beat to

* Debate on "Boston Port Bill," March 25th, 1774.

arms, and to put the offending provinces under the ban." He then proceeds to show "the absolute necessity of keeping up the concord of this empire by a *unity of spirit*, though in a *diversity of operations*."

The Resolutions which Mr. Burke was proposing to the House of Commons in this speech, consisted merely in a recognition of the *right of* the Colonies to govern themselves, or to use his own words: he wished to "guard the privileges of Local Legislature, and secure to the colonies a fair and unbiassed judicature."

Again, Mr. Burke (March 22nd, 1775) said:—"It is said indeed that this power of granting, vested in American Assemblies, would dissolve the *unity* of the empire. . . . Truly I do not know what this *unity* means; nor has it ever been heard of that I know in the constitutional policy of this country. *The very notion of subordination of parts excludes this notion of simple and undivided unity.*"

This is corroborated by the Americans themselves. The historian Curtis writes ("History of the Constitution") concerning the revolt of our American colonies: "It was a war begun and prosecuted for the express purpose of obtaining and securing for the people who undertook it, the *right of self-government.*" The "declaration of immediate causes which induce and justify the secession of South Carolina from the Federal Union" contains the following words:—"The people of the State of South Carolina, in Convention assembled, on the 2nd day of April, A.D. 1852, declared that *the frequent violations of the Constitution* of the United States by the Federal Government, and its *encroachments* upon the reserved rights of the States, fully justified this State in their withdrawal

from the Federal Union; but, in deference to the opinions and wishes of the other slave-holding States, she forbore at that time to exercise this right. . . . . In the year 1765 that portion of the British Empire embracing Great Britain, undertook to make laws for the government of that portion composed of the thirteen American colonies. A struggle for the right of self-government ensued."

Some years afterwards Burke complains of the novel invention of a Cabinet, which is indeed the element of the mischievous system which he opposed. He said (March 8, 1782), "The Ministers are all exactly in the same tone, and play into each other's hands with extreme dexterity: if a motion censures the American Secretary, he is defended by the Secretary at War; if the Secretary at War is censured, the American Secretary thinks it his duty to defend him? and if the noble Lord in the blue ribbon is accused, then both the others cry out, '*Would you remove a man who is at the head of your affairs at this critical period?*'"

Is not the history of the events which brought about the American Revolution an example, and a commentary on the maxim which the great Burleigh bequeathed, and which Lord Bolingbroke adopted? That maxim was given as a lamp and guide for all British statesmen and historians: "England can never be undone but by a Parliament." Blackstone has given a similar warning in his Commentaries; for he said that "when the legislative and executive powers are united, there can be no public liberty." Of this theme, the words of Bolingbroke himself are the fittest exposition:—"Parliaments are the true guardians of liberty; for this principally they were instituted; and

this is the principal article of that great and noble trust which the collective body of the people of Britain reposes in the representative. *But then no slavery can be so effectually brought and fixed upon us as Parliamentary slavery. By the corruption of Parliament, and the absolute influence of a* King, or his *Minister, on the two Houses*, we return into that state, to deliver or secure us from which Parliaments were instituted, and are really governed by the arbitary will of one man; *our whole Constitution is at once dissolved. . . .* That noble fabric, the pride of Britain, the envy of her neighbours, raised by the labour of so many centuries, repaired at the expense of so many millions, and cemented by such a profusion of blood; that noble fabric, I say, which was able to resist the united efforts of so many races of giants, may be demolished by a race of pigmies. The integrity of Parliament is a kind of palladium, a tutelary goddess, who protects our state; when she is once removed, we may become the prey of any enemies. No Agamemnon, no Achilles, will be wanted to take our city; Thersites himself will be sufficient for such a conquest. . . . *That arbitrary will may be made the sole rule of government, even whilst the names and forms of a free constitution are preserved;* that for a prince or *his minister to become our tyrant, there is no need to abolish Parliaments;* there is no need that he who is master of one part of the Legislature, should endeavour to abolish the other two, when he can use, upon every occasion, the united strength of the whole; there is no need he should be a tyrant in the gross, when he can be so in detail; nor in name, when he can be so in effect; that for Parliaments to establish tyranny, there is no need therefore to repeal Magna

Charta, or any other of the great supports of our liberty. It is enough *if they put themselves corruptly and servilely under the influence of such* a prince or such *a minister*. On the whole, I conclude that, in the possible case here supposed, the first *and principal object will be to destroy the Constitution, under pretence of preserving the government*, by corrupting our Parliaments." And subsequently he continues, "Experience is against them; since the examples of other countries, and at some times (former times I mean) of our own, have proved that a prince may govern according to his arbitrary will, or that of his *more arbitrary minister*, as absolutely and much more securely with, than without the concurrence of a Parliament."*

That the facts have not been distorted in order to fit the moral which has to be conveyed, is amply proved by the feelings and motives of the contemporary Americans themselves. The letter addressed by the Provincial Congress of New York, on June 12, 1775, to the merchants at Quebec, affords a good clue to the state of feeling in America at that time. This letter was found among Arnold's papers, after his death. It contains the following passage:—"Our allegiance to our prince, and our attachment to the illustrious House of Hanover, we rank among our most singular blessings. A due subordination to Parliament in matters for which they alone are competent, we wish firmly to maintain. Our resistance to MINISTERIAL *measures proceeds not*, either, *from a desire to oppose the rightful authority of the sovereign, or the constitutional acts* of the supreme legislature of the British Empire."

The Declaration of Independence was made the

* Bolingbroke on Parties, p. 116.

next year. The Treaty of Peace was signed in 1783. The Americans promulgated their Constitution in 1787. In framing that Constitution, they profited by the experience of their enemies. The American Constitution reserves, in express terms, to the Judges of the Republic,—that is to say, to the "Supreme Court," —the function of examining all Acts of Congress, and declaring the conformity or non-conformity of them with the Constitution. Thus, in fact, they determine how far those acts shall be binding on the subject, and declare the absolute nullity of unconstitutional statutes.

It is the fashion in this day to complain of the "over-reaching policy," the "ambitious aims," and the "immoral acts" of the United States. These complaints may be very just. We have however to reproach ourselves with having, by our conduct towards them, first inspired them with a disregard for justice. England violated the rights which she had conferred, and the principles which she herself had nurtured. Thus we reduced them to the dire necessity of rending asunder every tie of blood, and of extinguishing every aspiration of loyalty. The Americans have continued to practise the lessons which we ourselves have taught them; they follow the example which we continue to set them. Vast tracts of land from the Spaniard in the South, and from the Indian in the West, they have obtained by fraud, or else wrested by violence; watering their advance with blood. This disaster however was not wholly lost upon us; we profited from the lesson for a time. The struggle between England and her American colonies was preceded by a struggle with France. The war with France was concluded by the Treaty of Versailles, in

1763; that with our colonies was terminated by the Treaty of Paris, in 1783. The former treaty took Canada from France and gave it to us; the latter took the New England colonies from us and gave to them their independence. In the former war, the New England colonies assisted us in gaining Canada from the French; in the latter war, the Canadians fought under our banner against the Americans and French. Before the former war, the French had treated their Canadian colonists with haughtiness, had set at nought their Constitution, and despised their rights; Canada was therefore taken from them and given to a worthier possessor. In that same war (of 1763) our successes against France established our maritime supremacy and secured our Indian Empire. These successes rendered us haughty, proud, and confident in our own strength; we then despised and made light of the constitutional rights of our American colonists. America was therefore taken away from us and more worthily bestowed. When Canada was surrendered to us in 1763, the right of self-government, the preservation of their internal liberty, of their customs, and of their religion, were stipulated. We fulfilled our engagements and abstained from interference; Canada was thus preserved to us when it was invaded in 1812. For the Canadians themselves, to the number of eighty thousand men, flew to arms against the United States, and against their adherents in Canada who rebelled against us. Hence France lost her colonies from that very cause which rent our colonies from us; namely, from despising their rights of self-government and infringing their Constitution. A contrary course of action retained Canada for us in the day of temptation and peril. At the evacuation

of Dunkerque, a Frenchman tauntingly said to an Englishman, "When do you expect to return?" The English soldier's answer is the moral to be derived from all history: "When the measure of your iniquity shall have exceeded ours."*

It is impossible to conclude the consideration of this part of the subject, without remarking the injurious diplomatic action which Russia maintained throughout this period, and the manner in which she sought to raise herself through the humiliation of England. She fanned the flames of discord, and, under a friendly disguise, she sought her own profit in our disgrace. It appears, from the Malmesbury correspondence, that Fox offered to give up the right of search, in accordance with the pressing and long-continued entreaties of the Empress Catherine, on condition that Russia should *discontinue her diplomatic intrigues against us in America.* In the same volume,† it will be seen that Sir James Harris, on September 9, 1779, wrote the intelligence that the Empress Catherine, after discoursing with him concerning our hostilities with France and Spain, then alluded to the American war, "and hinted at the possibility of [her] restoring peace (*i. e.* between England, France, and Spain), by our renouncing our struggle with our Colonies. I asked her, If they belonged to her, and a foreign power was to propose peace on such terms, whether she would accept it? She replied with great vehemence, 'J'aimerais mieux perdre ma tête!'"

He then informs the British minister, that "he

* The above paragraph is taken, although not verbatim, from "England in the Western Hemisphere;" by D. Urquhart. (Maynard, London, 1844.)

† Correspondence of Lord Malmesbury, vol. i.

asked no more at the hands of Russia than we had granted unsolicited," viz. "general good offices," and "holding a proper language to courts, etc." In a note it is stated that Catherine "was not sorry to see Great Britain engaged in a war which occupied and weakened herself, France, and Spain, whilst she, Catherine, matured her projects on Turkey."

In 1780, he wrote that the Russian Cabinet "hold out the necessity of humbling us; that we are too great, too enterprising; that we are sea-tyrants, etc." And then, on November 24, 1780, he wrote that Prince Potemkin had "given him clearly to understand, that the only cession which would induce the Empress to become our ally was that of MINORCA." In a note the following intelligence is given:—"Lord Stormont, in a despatch dated October 28, 1780, directs Sir James Harris to discover whether we can hold out to Her Imperial Majesty some object worthy of her ambition, some cession of a nature to increase her commerce and naval strength, and that would engage the Empress to conclude with His Majesty an alliance, making the present war the *casus fœderis*, and assisting us, *totis viribus*, against France, Spain, and our revolted colonies. These two despatches crossed each other on the road, and Sir J. Harris had anticipated his wishes."

It appears from a foregoing page,* that the subject had before been entertained; and that Russia's terms at that time were, that we should assist her in her plans against Turkey.

There are some points in the policy of England, with regard to the American colonies of Spain, which should not be passed by; because their circumstances

* Malmesbury Correspondence, vol. i. p. 193.

may possibly furnish a close analogy with the impending condition of the Confederate States of America. As the revolt of the New England States from us forms an historical parallel with secession of the Southern States from New England; so the speedy recognition by America of the revolted Spanish colonies, and the refusal of such recognition on the part of England, may be a parallel with the intended recognition by England of the Confederate States, and the non-recognition of them by some neighbouring European power. When the Spanish colonies revolted from the mother-country, the Americans were in such a hurry to give them every advantage, that they recognized the independence of those colonies, and sent consuls, even before the Spanish troops had quitted the country. Mr. Canning, on the other hand, stood out for many years, and firmly persisted in withholding every recognition on the part of Great Britain. All the while that Spain possessed those immense colonies in America, she watched them with a most jealous eye, and would not allow England to hold any communication, or carry on any trade with them. Yet when they had revolted the intelligence was not hailed with any satisfaction or joy in England. We furnished the rebels with no assistance; we yielded them no encouragement; although allured to do so by interests so strong, and an advantage so manifest. In those days our respect for law was more strong than a desire for commercial greatness; we esteemed what is right more than we cared for wealth. We therefore gave the insurgents neither open assistance nor secret encouragement, although for a period of fifteen years the most tempting opportunities had presented themselves. In 1810 Spain asked for the mediation of England, but

subsequently changed her mind. Two years afterwards our friendly offer to mediate was refused. In 1814 we pledged ourselves to prevent all British subjects from rendering assistance to the rebels. In 1819 an Act was passed to prevent British subjects from serving in the ranks of the Spanish colonists. It was not until three years after this period that we urged on Spain the necessity of putting an end to this hopeless war, and announced to her that we could no longer refrain from recognizing those *de facto* independent States. We did not, however, act upon this announcement.

In 1823 we assented to the French invasion of Spain, only on the express condition that France should not interfere between Spain and her colonies. In the next year Mr. Canning, in his despatch to Sir W. A'Court (Jan. 30, 1824), wrote: "Those limitations (*i. e.* the conditions on which we proffered our mediation) have uniformly excluded the employment of force or menace against the colonies, on the part of any mediating power, and have uniformly required the previous statement by Spain of some definite and intelligible proposition." In the debate on the Address, he said, "His Majesty had declined overtures for any *joint* consideration of this subject."

On the 4th of March, Lord Liverpool said, "A formal acknowledgment of independence could properly be made only by the power who claimed dominion over another; and, in the strict sense of the word, we had no right either to acknowledge or dispute their independence."*

Hence Lord Liverpool declared that no nation may interfere between portions of a State which are at war;

* See Portfolio, vol. iii. p. 560.

and that every recognition of independence, which extends beyond the mere admission of the fact, is criminal. The mercantile world had pressed for a formal recognition. The great Powers of Europe had desired a conjoint interference in those affairs of Spain. The English Government, however, did boldly that which was right; they stood alone, resisting both the pressure of the British people and the urgent demands of other powers. Thus Mr. Canning, on June 15, 1824, after saying that His Majesty's Government had thought it just and generous to suspend any decision respecting the Spanish colonies of America, until Spain had had a full opportunity of arranging matters, then said, "A second application had been made to the Government of His Britannic Majesty, to become parties to the conference about to assemble [for the settlement of the affairs of Spanish America], which application, though pressed with urgent entreaties, had been again steadfastly refused." Next year, in the debate on the Address (1825), Mr. Canning discussed the question whether it would be *lawful and right* now to admit those "independent States to the rights of nations;" and proposed to do so "by a course so strictly guarded that no principle should be violated, and no offence should be given." He also stated that not a single secret despatch had been written relative to this matter; but that Spain and the other Powers had received a copy of every document.

Thus, to use the words of an eminent writer, "It was not till fourteen years after the first appeal for mediation had been made; it was not till after the powerlessness of Spain to regain her ascendancy had been proved and confirmed; it was not till after the

growth of extensive commercial relations with the colonies, sanctioned by Spain, had imposed the necessity of international relations with them, that England took the first step of a formal and diplomatic kind,—that was, simply the appointing of consular agents."*

Russia and America had sedulously promoted the meeting of a Congress at Tacuboya, for the settlement of the question. Mr. Canning, however, wisely refused his concurrence and steadily opposed the meeting of any Congress. He thus thwarted the intrigues of Russia; and this was the meaning of his exclamation, "I have called a New World into existence to redress the balance of the Old."

How short a time it is since the only subject or debate in our houses of Legislature used to be the question, in each case: "What is lawful and right?" It is not long since we steadily refused, throughout a period of nearly fifteen years, to intervene, of interfere, or protocolize away, at a European Congress, the legitimate rights of independent States. At that time "non-intervention" did not hang as a mere phrase on men's lips, while their "hands were full of blood," which had been shed in intervention. In these days the cry of non-intervention proceeds alone from avarice and love of money.

Columbia, Buenos Ayres, and Mexico, were the colonies which seceded from Spain. The independence of Mexico was recognized in 1825; and the fortification of Texas, a province of Mexico on the side of the United States, was provided for. The United States, however, lost no time in stirring up a rebellion in Texas, against the authority of the Republic of Mexico. The rebels declared their Inde-

* Portfolio, vol. i. p. 560.

pendence on December 16, 1826, under the title of the "Republic of Fredonia." American intrigues were, however, as yet unsuccessful. This sub-rebellion,—or "hypodichotomy in petty schisms" (to borrow a term from Milton), was speedily subdued. Ten years afterwards, these lawless intrigues were more adroitly conducted; for Texas declared her independence in March, 1836. She was recognized by the United States before that year had elapsed; the United States making the public statement that "they did not think it necessary to wait until the chances of war had been decided." So eager were they to secure a prize which had already eluded their ambitious grasp! In accomplishing that object, we aided and abetted the United States. Texas was made free under British protection. A treaty was signed between Great Britain and Texas, on November 14, 1840, which was to wipe off the obligations of Texas to Mexico, and of Mexico to England. For, on condition that peace should be concluded between Texas and Mexico within thirty days, the former was to take upon herself a debt of one million sterling which was due to English bondholders.

Within the stipulated time this peace had been established, by means of English intervention, in favour of the insurgents. This is apparent from the proclamation of the President of Texas. Another treaty was concluded between Texas and England. This treaty permitted an existing obligation against slavery to fall into abeyance; although it acknowledged the right of visit by both British and Texan men-of-war. This obligation had been established by treaties in 1826, when we recognized the independence of the Spanish colonies in America. An

article in each of those treaties bound the respective governments to extirpate slavery from their soil. In the treaty with Texas this question was wilfully shunned. This is proved by the protest of Mexico against England's recognition of Texas:—"The Government of Mexico ratifies the protest of its Chargé d'Affaires to Lord Palmerston, adding, that the acknowledgment of a faction of adventurers, as an independent nation, is contrary to the principles which Lord Palmerston, conjointly with the four Powers, has maintained in Europe on the Turco-Egyptian question, in which no adventurer, but an illustrious Prince, a native born of the country, endeavoured to withdraw himself from the country of the Grand Signior of Constantinople. *That the conduct of Lord Palmerston was a breach of the harmony and good faith, which was considered also by the Spanish American States to be characteristic of the British Government, so that it was impossible to conceive, in the face of existing Treaties of alliance and friendship between Great Britain and Mexico, by which the integrity of the Mexican territory is acknowledged, that Texas should be recognized as a sovereign people.* Not a fraction of the same territory and its primitive inhabitants, but a handful of adventurers, who, in the sight of all the world, have entered upon the Mexican territory, is acknowledged, bringing slaves with them to re-establish slavery in a country in which by law slavery was abolished. *That in the Treaty between Lord Palmerston and the agent for Texas, there is no provision for the abolition of slavery, a condition which the English Government has exacted from all the Spanish American Governments.* That *the territory of Texas is mortgaged for the foreign debt of Mexico*, and to per-

mit the alienation of a property so sacred, against the will of its owner, and encouraging the desires of its aggressors with the moral force of the recognition of their independence, is to attack every principle of justice and international right. In consequence, the Mexican Government, firm in the justice of its cause, and resolved to protect the integrity of its territory, will commit to force the execution of the national will, whose energy is daily displayed in the resources voluntarily proffered by all the citizens, and in the progressive amelioration of the revenues of the State. And the English people will render justice to Mexico when it is seen that the anomalous conduct of the British Minister does not prevent her from fulfilling the obligations which she has contracted, and will see besides that the Mexican nation knows how to distinguish between the British People and their Government."

The Treaty for the *annexation of Texas* to the United States was signed on the 12th of April, 1844. Then, of course, slavery became the rule, and was no longer a forbidden practice. Thus our interference, instead of conferring the blessings of freedom, only extended the sphere of an institution for which we profess an abhorrence. What could have induced our Government to sanction and assist in such a negotiation? Before the annexation there was a debt on Texas of between four and five million of dollars.* But on the annexation of Texas, the United States engaged to pay us ten millions, and mortgaged the land to England for that amount. As half of this sum was not really due, this transaction was, in fact, holding out a bribe to recognize the annexation.

* See Report of Texan Government, 1841.

And, as it was the Texan land which was thus mortgaged, Texas was really bought by the United States with Texan money.

The lawless ambition of the United States induced them, in the first place, to foment, encourage, and support the revolt of Mexico against Spain, under the pretence of an honest preference for republican over monarchical institutions. The same ambition soon prompted them to put forward a new pretext, whilst continuing the same intrigue; and they abolished a free republic in order to establish the institution of slavery. This is apparent in a despatch from Washington, dated January 16, 1844, to the President of Texas, urging the annexation of Texas. The American Government says, speaking of slavery: "I have commented upon this topic in the despatch to Mr. Everett (Minister at London). I will only add, that if Texas should not be attached to the United States, she could not maintain that institution ten years, and probably not half that time."

There were not wanting those who, at the time, warned their country against the commission of such acts as these. Thus Mr. Clay said:—"I consider the annexation of Texas at this time, without the assent of Mexico, as a measure compromising the national character, involving us certainly in a war with Mexico, probably with other foreign Powers, dangerous to the integrity of the Union, inexpedient in the present financial condition of the country, and not called for by any general expression of public opinion." Dr. Channing, in particular, tried to arrest the spirit of violence and the lust for annexation which he saw to be rampant in his country. He regarded such a deed as the annex-

ation of Texas as the *result* of national depravity, and the degradation of moral feeling. He could, therefore, not help seeing that this act was the beginning of a series of acts of violence and freebooting, and the signal of a coming disaster. This feeling he had long entertained, and being honest, he did not shrink from openly denouncing the acts of his Government. These are the words which he wrote to Mr. Clay:—"Must we of the North buckle on our armour to fight the battles of slavery? to fight for a possession which our moral principles and just jealousy forbid us to incorporate with our confederacy? .... Great armies will require great revenues, and raise up great chieftains. Is the republic bent on dying by its own hands? Does not every man feel that, with war for our habit, our institutions cannot be preserved? .... A country has no right to adopt a policy, however gainful, which, as it may foresee, will determine it to a career of war. A nation, like an individual, is bound to seek, even by sacrifices, a position which will favour peace, justice, and the exercise of a beneficent influence on the world. A nation provoking war by cupidity, by encroachment, and above all, by efforts to propagate the curse of slavery, is alike false to itself, to God, and to the human race." Mr. Webster regarded it from a purely political point of view, and foresaw that this deed would cause the very punishment which has now overtaken them. He wrote as follows:—"It is not to be doubted that the continuance of the American Union, and its prosperity and success, under its present form of government, is a matter of high moment to all mankind. .... And he is a bolder reasoner than I am who has satisfied himself that this government may be extended indefinitely, either to the

north or to the south, without endangering its stability and duration. . . . . It certainly may be very well questioned with how much of mutual intelligence, and how much of a spirit of conciliation and harmony, those who live on the St. Lawrence and the St. John might be expected, ordinarily, to unite in the choice of a President with the inhabitants of the banks of the Rio Grande del Norte and the Colorado." He then pronounces his "judgment as decidedly unfavourable to the annexation of Texas."

This act was also a direct breach of the Constitution, for the President had negotiated and signed the Treaty of Annexation before he had referred the matter to the Senate. He then presented it to them for debate. Deliberation, therefore, there could not be; for the deed was already done.

In the Report of the Committee on Federal Relations, it is stated that—"The Constitution vests in the President the power to make treaties, by and with the advice of the Senate."

The consent of the Senate is requisite both for the negotiation and ratification of a treaty. To do either without that consent is a gross usurpation of power, and breach of the Constitution. Yet this is what the President did in regard to the Texan Treaty. Whereupon Mr. Clay said:—"Assuming that the annexation of Texas is war with Mexico, is it competent to the treaty-making Power to plunge this country into war, not only without the concurrence of, but without deigning to consult Congress, to which, by the Constitution, belongs exclusively the power of declaring war?"

Here, again, an unconstitutional act carried its doom along with it. The hour of retribution has now

come. These same Southern States are *now* a thorn in the side, and a punishment for crime. The piece of new cloth has at length made a rent in the old garment.

Before passing on to that part of the subject, however, it is necessary to direct attention to the presence of Russia's hand in the revolt of the Spanish colonies. On the 30th of January, 1824, Mr. Canning wrote in a despatch, that the English Government refused to interfere without the expressed desire of Spain. The same despatch informs us that Austria, Prussia, Portugal, the Netherlands, and the United States had proposed, in conjunction with Russia, to interfere between Spain and her colonies; in which case (Canning said) England would resist the attempt by taking part with the colonies."

Lord Brougham explained the scheme more fully on February 3rd, when he said:—"Ferdinand has been expressly assured by the Emperor Alexander, that, *upon the destruction of the constitutional system*, he would assist him to recover his dominions; so that (continues Lord Brougham) these countries would again be brought under the iron rule of the mother-country." And yet the United States had been persuaded that Russia would back them in obtaining the independence of those same colonies. For President Adams, in his message of the year 1826, deplores the death of the Emperor Alexander, who had maintained such a "candid and confidential intercourse of sentiment with the United States upon the affairs of South America." He proceeds to say, that the Emperor Nicholas had given assurances that the same line of policy should be pursued, so that the governments of Europe will thereby be *constrained* to "recognize the independence of the Spanish colonies."

Russia had evidently been following the policy recommended by Macchiavelli in his 'Principe;' I mean the maxim that a State should always try to set its rivals by the ears, in order that itself might grow strong by their impoverishment and weakness; and that every question furnishes means for raising disturbances in individual States, or else for using one State against another to the destruction of both.

It would obviously here be out of place to discuss whether the several States have a *legal* right to secede. The New Englanders rebelled against England; they promoted the revolt of the Spanish Colonies from the mother-country; they brought about the separation of Texas from Mexico. Now they refuse to accept a just retribution, and will not accede to the secession of the Southern States from them. The Northerns, morever, deny the right of secession *from the Union*, but recognize the secession of a county *from a State*. In Virginia, for instance, a convocation met to consider means for counteracting the Government of the State. They deliberated whether the Western counties of Virginia should or should not secede from the State; and at last decided upon constituting themselves the regular Government of the State, and superseding the real authorities. This "Wheeling government" was at once recognized by President Lincoln. The same thing has since happened, it appears, at Hatteras, in North Carolina. This has been allowed (although the essential unity of each State within itself has never been questioned) by the very statesmen who deny to independent States a right which has been frequently asserted by themselves. Are, then, the seceding States rebellious?

On the other hand, if there be necessarily and in-

herently in every people a right to secede,—if government rests solely on the consent of the people,—then every town and every village has the same right of secession. We are then driven to the following dilemma. There must either be empire (that is, compulsory powers exercised over the whole State,—whether those powers be exercised by a single despot, as it is in Russia; or by an oligarchy, as it is in England; or by a majority, as it is in America); or else the right of governing themselves, and local administrations must be fully maintained. Lord Russell has asserted that the North is fighting for empire; while the South is struggling for the Independence or sacred right to govern themselves, which was vindicated in 1787.

Every citizen in America has so jealously guarded his "theory of consent," that it is a matter of wonder that they should deny the right to resist any absolute authority; especially when the ruler who possesses that authority departs from the strict laws of the Constitution. For the Constitution is the original contract or agreement, under which the rulers have the right to govern, and the subjects are pledged to render obedience.

Immediately after President Lincoln's election, Mr. Seward, the Secretary of State, repudiated a "war policy," on the ground that "the subjection of a recusant State is against the principles of the American Constitution; that it is the last appeal of monarchies, but against the very idea of a republic." It is needless to enter into the question whether an independent sovereignty has been distinctly secured to each of the several States by the Constitution (a doctrine which is strenuously supported by many eminent au-

thorities in America). It would not be any advantage, in the present investigation, to rehearse the many occasions on which this sovereign right has been asserted and maintained by many different States. It is difficult, however, to see in what other manner a government can be said to "rest on the consent of the governed" (if the unity of the whole State is to be secured), except in the free exercise of local administrations in the various parishes, municipalities, counties, and provinces, such as that which has been provided by the ancient Constitution of England. A complete system of local administrations, or else one of the forms of despotism, seem to be the only alternatives.

When our colonists in America chose a government for themselves, they maintained unbroken their former loyalty to the Constitution of England; they adopted the laws and forms of this country; but chose a President instead of receiving a King. They have a "*Supreme Court*," or court of law, which is independent of the Administration, above the Executive, and the sole interpreter of the Constitution. By this court all international and diplomatic questions are discussed *before* any action is taken or negotiation commenced. Public right is thus not left to the caprice of a minister, nor confided to the heedless vehemence of a faction. The *Senate* has control over all foreign transactions. Its office is, however, limited to sanctioning acts which have been done, ratifying treaties, and giving advice as to the instructions which should be given to the President previously to opening a negotiation.*

* See Despatch of Sir C. Vaughan, July, 1833, in the 'Papers on the North-East Boundary.'

In the *Congress* of the United States they have a "Committee on Foreign Relations;" and a "Chairman," who answers to our "Secretary of the Committee of the Council of State for Foreign Affairs," (the post now occupied by Lord Russell). The business of this committee is to examine international transactions. All these institutions were borrowed from the mother-country. We are at once reminded of our Council of State, or Privy Council. This is a body which, *according to the law of the land*, is still existing; or to speak more correctly, the Crown, by inalienable prerogative, has the right to summon any one whatsoever, of whatsoever rank or opinions, to be sworn, and then give counsel to the Sovereign, in the presence of the other councillors. For many years, however, the advice of the Council has not been asked. In former days the wisest of the land, *independently of their political opinions*, used to be summoned to give advice to the Crown. By these means the Crown received counsel apart from faction, and from those motives which prevail in parliamentary bodies, and which so often sway the judgment. Above all, he was secured as well against the mistakes, as against the ambition and intrigues of the first minister of the Crown. This Council was distinct from the Parliament. The ministry were the secretaries and officers of this Council; and the duty of the House of Parliament was to control both the Council and the Administration, by means of the power of impeachment which they possessed. The Council had neither executive authority nor legislative power. Hence its members could have no aim nor interest, except to give their sovereign unimpeachable advice. It had necessarily prior in-

formation of all ministerial or executive acts; and no affair of moment could be transacted without its knowledge. With a like wisdom the Constitution of the United States provides that no step of foreign policy should be taken without the consent of the Senate, lest the President should be induced to sell his acts. Thus Hamilton, one of the chief composers of the American Constitution, said in the Convention at which the Constitution was discussed: "To the proper adjustment of checks, the British owe the excellence of their Constitution." The President is, however, nothing but a temporary king; he has no permanent interest in the Government, and there is nothing to prevent him from selling his inaction.

The Federal Government regulates trade, levies war, imposes general taxes, etc. It may not, however, interfere with the internal administration of each individual State. It was always a boast of the Americans that the States are independent on all internal affairs. The States arrange the organization of their government; determine the qualifications of electors; ordain the civil and criminal law; prescribe the banking system, etc. With none of these State regulations may the Federal Government interfere.

On the 29th of December, 1860, the Commissioners for South Carolina announced to the President that their State "resumed the powers which she had delegated to the United States," and "declared her perfect sovereignty and independence." Virginia passed a resolution in favour of dissolving her connection with the Union, by a majority of 150,000. North Carolina, Mississippi, Alabama, Florida, Georgia, Louisiana, Texas, joined the movement within one month. In a short time Arkansas and Tennessee

seceded; while Kentucky, Maryland, and Missouri refused to aid in coercing the seceding States. The ground of their refusal was the independent sovereignty of each State.

Northern statesmen had for a long time taken every opportunity for sketching out plans and schemes for the complete subjugation of the South. And the South perceived that they must resist, or lose their independence for ever. The Fugitive Slave Law was the result of a victory after one such struggle. Clay, Webster, and others foresaw that disruption was imminent; and acknowledged the justice of the resistance which the South offered to the undisguised oppression of the North. Mr. Lempriere states, in his book, that the real struggle arose from the Northerns trying to override the South "by an *unconstitutional* exercise of power," and the assertion of "an *unconstitutional* supremacy over their equals in the Confederated Union." This position is fully proved by a speech of Mr. D. Webster, one of the greatest of American statesmen.

The *occasion* of our quarrel with our American colonies was the attempt, on the part of the English Government, to impose on them, in violation of constitutional rights, a tax, not for the sake of revenue, but for the assertion of sovereignty. Now the Federal Government is permitted, by the American Constitution, to lay taxes on the several States, *for the sake of revenue only*. Calhoun's tariff, however, was imposed for the protection of the Northern manufacturers, and not for revenue. This evil was increased in 1824; and made still more oppressive by the "black tariff" of 1828. Then Mr. Calhoun again came forward, and said, as it were, "The Central Government is now

strong; the States are weak; state-rights are being merged into an overshadowing power; let us proceed to recognize again the state-rights." South Carolina supported him; and Mr. Henry Clay's tariff of 1832 was passed, as a sort of sop or compromise. Before ten years had elapsed, the Northerns began to return to their vomit again, and resumed a system which they had repudiated. On this subject Mr. Toulmin Smith states, in the 'Parliamentary Remembrancer' of November, 1861, that "At a meeting held in Columbia, South Carolina, on the 2nd of July, 1827, the Governor of the State being in the chair, it was, among other things, resolved: That the meeting 'utterly denies the right of Congress to pass taxation laws for the purpose of fostering and aiding any one branch of national industry at the expense of all the rest. . . . Proceedings such as these we complain of,—so manifestly unjust, so plainly calculated to make one section of the Union tributary to another, and to sacrifice without remorse the interest of the minority whenever it suits the majority to do so,—are but too well calculated to bring on the dangerous inquiry,—In what manner are the Southern States benefited by the Union?' Those who are really familiar with the history of the United States know very well that their language is the key to the tone and temper of South Carolina ever since; which has only culminated, after many years, in actual secession."

If the tea-duty, in 1763, justified the Americans' rebellion against us, then what can now be said of the monopolies of the North; of the differential duties and protective duties imposed by them; of the high tonnage dues levied in the Southern ports, in order to drive British ships away and secure the trade for the

North? These acts have all been committed in violation of the Constitution; and they have not stood alone; they have paved the way for other unconstitutional acts to follow.

Of the North the watchword is "Union." *Union* is a misnomer. Currency has here again been given to a false term, in order to delude, and thus influence men's acts. Lord North attained his ends by a false use of the word "Sovereignty." The Northerners make a similar attempt, by getting up a cry for "Union." In each case the people never cared to think of the term they were in the habit of blindly using. There is not, nor ever has been, union among themselves. There has been a multitude of various factions, under the crushing despotism of a mob. By union they mean "Empire," the notion of one great dominant power throughout the continent of America. This notion was embodied in the Monroe doctrine, and now, its destructive nature, its tendency to division, recoils upon the heads of its promoters. Yet empire they are, in one way, obtaining fast enough; the power of the President has been vastly increased. The Americans used to glory in a supposed weakness of the executive. They see it now unmasked, and find a despotism. Simulated weakness is the best stratagem for the acquisition of power. A reputed feebleness is sure to hoodwink and cozen the unthinking public. When "feebleness of the Government" becomes a phrase in vogue, then liberty is in peril. The old proverb says that if a dog receives a bad name, he is thenceforth reputed worthless. False terms in a man's mouth, blind his eyes to the things themselves; and prevent him from seeing, except through a distorting haze of opinions and prejudices.

Mr. Helper, (author of "The Land of Gold," quoted by Lempriere, page 99,) thus expresses the feelings of the North Carolinians:—"Too long have we yielded a submissive obedience to the tyrannical domination of an inflated oligarchy, etc." Mr. Helper's book was endorsed and ratified by the signatures of Mr. Seward and of nearly seventy other members of the House of Representatives.

The letter from Washington, dated September 6th (in the Times), says:—President Lincoln "has reduced his Cabinet to . . . a Board of Heads of Departments, who may be asked their opinions of any matter by the President, or who may be put aside, as he pleases."

The intention of President Lincoln is revealed in his inaugural address of March 4th, 1861. He wants to free himself from the restraints of the Supreme Court (just as our Ministers have freed themselves from a Privy Council). Of course "public *convenience*" is his only object. These are his words:—"At the same time, the candid citizen must confess that if the policy of the Government upon the vital questions affecting the whole people is to be irrevocably fixed by the decision of the Supreme Court, . . . the people will have ceased to be their own masters, having to that extent practically resigned their Government into the hands of that eminent tribunal."

In Congress, they have ere now complained of the oppression by Government officers. In Washington they already bow under a Provost-Marshal. Habeas Corpus has been suspended by the arbitrary fiat of the President. Arrests of persons on suspicion have been frequent. Fort Lafayette is their Bastille. Trial by jury is suppressed. The liberty of the press suspended. Property confiscated. The odious passport system

established in all its rigour. The President wields prerogative with a high hand, putting the liberty of the citizen at his disposal, and the Constitution at his feet. Yet Congress alone has the legal authority to suspend Habeas Corpus. The Chief Justice of the Supreme Court decided, in the Merriman case, that the President has no right to suspend it. The Judges of the Supreme Court, therefore, continue to issue writs of Habeas; and the President continues to direct disobedience to be shown to the laws of the land. This has happened in the vaunted land of liberty. Democracy is teaching, by example, the opposite of what it inculcates by precept. People never can be induced to see themselves as others see them; therefore hardly a voice has been raised in remonstrance. The few who have tried to do so have found that it is now too late. They have been overwhelmed in a storm of obloquy. Their voices have been drowned in the foul washes of public opinion. Chancellor Kent wrote: "The progress and impulse of public opinion is rapidly destroying every constitutional check." These words, which Chancellor Kent then wrote in his Commentaries, may now be written in their history. Mr. Breckenridge* made a strong speech, declaring certain acts of President Lincoln to be "unconstitutional usurpations of power. The country (he said) is rushing with rapid strides from constitutional government to a military despotism. Yet so great is the passion of the hour, and so astonishing the stupid amazement of the people, that these things are taken as natural and right."

Chief Justice Taney, in Baltimore, asserted that the President, by sanctioning the arrest of Merriman, and

* See letter from New York, July 17th, in the Times.

refusing to deliver him up on a writ of Habeas Corpus from the Judicature, has "trampled the laws of the country under foot." (Lempriere.)

The other day, a writ of Habeas Corpus was served upon a Colonel by an Attorney. The Colonel, by the President's directions, instantly imprisoned the attorney, and clapped sentries over the door of the judge who had issued the writ. Generals have taken possession of whole districts, even in States which have not seceded, and have superseded the legal authorities. The Government constituted itself the organ of the passions of the many, (which have been called by the collective term of "public opinion"), and has become a military despotism. In the hour of danger the Government resorted to the old expedient; they proposed an unlawful war, in order to draw off public opinion from their despotic encroachments, and unconstitutional designs. They hoped thus to stifle, under the outcry of passion, the voices of those who desire to preserve constitutional freedom. This proclamation appeared in the New York journals towards the end of the summer. Of course it was "inspired:"—"Instead of shedding the blood of our fellow-men, let us, North and South, unite to resent the threatened interference of England, . . . and proceed directly to drive the British power out of Canada. We have the strength, why not the will?" This is a well-known trick of Governments; one that is constantly re-appearing in every country. It is generally successful; therefore it is never observed. The plan has however, this time, seemed to fail. Yet the unconstitutional encroachments continue. The Democratic Republic, with the small army of 15,000 men, has already become a military despotism. While the President's army turn out, in a quaint soldatesque

style, to attack the Confederates by land, his navy is ordered, in violation of the Constitution, to blockade the harbours of the Southern States. On this subject judgment has already been delivered. Daniel Webster said, in a similar case thirty years ago:—"I, for one, protest in advance against such remedies as I have heard hinted. The Administration itself keeps a profound silence, but its friends have spoken for it. We are told, Sir, that the President will immediately employ the military force, and at once blockade Charleston! A military remedy, a remedy by direct belligerent operation has been suggested, and nothing else has been suggested, as the intended means of preserving the Union. Sir, there is no little reason to think this suggestion is true. We cannot be altogether unmindful of the past; and therefore we cannot be altogether unapprehensive for the future. For one, Sir, I raise my voice beforehand against the unauthorized employment of military power, and against superseding the authority of the laws by an armed force, under pretence of putting down Nullification. The President has no authority to blockade Charleston; the President has no authority to employ military force till he shall be duly required so to do by law, and by the civil authorities. His duty is to cause the laws to be executed. His duty is to support the civil authority." All these acts, which I have enumerated, were flagrant violations of the Constitution. Some of them were perpetrated out of lust for power; while others were committed for the sake of trade, and out of lust for gain. What is the result?

The only kind of business which thrives now, is that of army contractors, gunsmiths, and the other myrmidons of war. All other trades are nearly at a

standstill. The productive powers of the country are nearly annihilated, while the waste has vastly increased. The Russian war added about thirty millions to our debt. Even the nine years of our American war added only one hundred and four millions to our debt. The civil war in America is costing the North about sixty millions a year; while their ordinary expenditure was only fifteen millions. Where then is their boasted peace and economy? overwhelmed by a whirlwind of passion in a gulf of war and reckless expenditure. Yet this increase of expenditure is not the result merely of the overpowering excitement of the day. It has long been rampant in that vaunted land. The Chicago Manifesto contains the following assertion: "The people justly view with alarm the reckless extravagance which pervades every department of the Federal Government; a return to rigid economy and accountability is indispensable, to arrest the systematic plunder of the public treasury by favoured partisans." Bolingbroke quotes, with indignation, a case far brighter with hope than this of America. "Two Consuls were chosen annually at Rome, and the Proconsular power in the government of provinces was limited to a year,—several inconveniences arose, no doubt, from the strict observation of this institution, —some appear very plain in history; and we may assure ourselves that many arguments of conveniency, of expediency, of preserving the tranquillity of the city, and of giving strength and weight to the arms and counsels of the commonwealth, were urged to prevail on the people to dispense with these institutions in favour of Pompey and of Cæsar. What was the consequence? the pirates were extirpated, the price of corn was reduced, Spain was held in subjection, Gaul

was conquered, the Germans were repulsed, Rome triumphed, her Government flourished; but her constitution was destroyed, her liberty was lost." *

If that was the case with the greatest city of ancient Europe, what fate can we foresee for America? Many other flagrant breaches of the Constitution besides these have been committed. United States troops were quartered in Maryland, ostensibly with the object of protecting the route of raw levies. Soon even this thin disguise of a constitutional purpose was cast aside; and it became apparent that a State, which had not rebelled, had yet suffered military occupation, merely in order to strike terror into a majority who were suspected to be favourable to secession. Members of the Legislature were incarcerated, without form of trial, as soon as they had been elected. The military commander seized the police commissioners of Baltimore on suspicion, and imprisoned them in the prisons of another State, after having treated the writs of Habeas Corpus with contempt. Other commissioners were then appointed, without the least regard to the State itself, and in direct violation of the Federal compact. Military force has thus usurped all power, in defiance of the Constitution. Congress then were induced to ratify these acts; that is to say, they were led by the nose to endorse a breach of the Constitution, and set at nought the privileges and rights of an independent State. This they consented to do, although the President refused, on the plea of "inconvenience to public interests," to lay upon the table of the House any papers in explanation of his acts. Yet it was the Constitution which gave them the right to sit at all. Hence, to break the Constitu-

* Bolingbroke on Parties, page 133.

tion, was to deny their own authority, and to cut away the ground from under their feet. Lately, Colonel Taylor set at defiance the whole bench of Judges. By order of the President he treated their writs with scorn and contempt.

Yet the greatest of all the violations of the Constitution has been the gradual and unperceived destruction of local administrations and the right of governing themselves. As soon as ever the National Convention was organized there arose two great parties: one of which desired to strengthen the central authority, while the other sought to maintain state-independence; the former sought radical change, the latter was conservative, and wished to maintain the existing order of things. The latter party said they objected to be "put at the mercy of great communities, whose policy might overshadow, and whose power might destroy them." Mr. Clay saw that this question was a rock on which the Union would split; because that this violation of the Constitution involved all the others. He said (May 21, 1850), "I am afraid that this Union, for all the high and noble purposes for which our fathers formed it, will not be preserved. Mr. Douglas said the *real object and true intent was to re-organize in the Territories the great principle of self-government*, in obedience to which the people of each State and Territory coming into the Union should decide for themselves what kind of institutions and laws are best adapted to their condition and welfare. *It was in obedience to this great principle, in defence of which the battles of the revolution were fought,—the principle for the preservation of which the Constitution of the United States was adopted*, —for the preservation of this great principle it was

that the Washington and Nebraska Bills were passed in the form in which they now appear on the statute-book."

General Jackson, Governor of Missouri, in his proclamation, dated June 12, 1861, used these words:—"It is equally my duty to advise you that your *first allegiance is due to your own State*, and that you are under no obligation whatever to obey the *unconstitutional edicts* of the military *despotism* which has introduced itself at Washington, nor submit to the infamous and degrading sway of its wicked minions in this State."

This is also put forward by President Davis as the cause of the secession. And in his address (June 21, 1861) he said: "We may well rejoice that we have for ever severed our connection with a government that thus tramples upon all *principles of constitutional liberty*, and with a people in whose presence such avowals could be paraded."

Stability and power are often confounded. A concentrated force is always vanquished when beaten. A force (wrote Machiavelli) which is spread and extended, may easily be beaten, but can never be vanquished.

It is impossible to say whether the hand of Russian diplomacy has been active in these transactions, in the same way as it was thrust into the aforementioned disturbances which took place in the same quarter of the globe. It is, however, impossible to refrain from quoting a prediction which was printed eight or nine years ago, and which has now been fulfilled: "That Russia should form any plan for the convulsion or partition of the United States will, of course, appear so preposterous as to be set down

to the score of insanity. I content myself, therefore, with merely asserting that such is her interest, such her system, that she has brought greater adventures to a happy termination, and that every scheme of hers has been equally set down as insane until she has shown it to be rational. *But at least she will not neglect any opportunity afforded to her by internal causes or external events for bringing about a political condition which will prove unfavourable to production.* There is no country upon which her eye has been more intently fixed, there is no country against which her animosity more fiercely burns. The rivalry of manufacturing countries is nothing to the rivalry of countries producing raw materials. In all other cases that rivalry is vague, popular, unpractical, and unmeaning; but Russia pursues her interests in another spirit, and as she uses commerce as an instrument of diplomacy, so does she use the command which she exercises through her diplomacy to advance her commercial ends." *

The Northern and Western States supply Europe, to a great extent, with grain. Russia does the same. They are rivals. If the productive power of either were destroyed (by convulsion or otherwise), the other would have a monopoly of the breadstuffs, which she could withhold, or supply at famine prices. Europe would be in her power. The Southern States, however, are no rivals to Russia in her trade. Again; it is not the interest of Russia that England should be weakened by distress in the manufacturing districts. The edge of the tool must not be turned, its power must remain unimpaired. England's power forwards her ends, without endangering her name.

* From "Recent Events," by D. Urquhart, reprinted in 1854.

Another end will be gained by the war which is just threatening: a project, which has been cherished for nearly a century, would be accomplished. The Right of Search,—which the Empress Catherine tried to induce Fox to abolish, in return for the most magnificent advantages,—to abolish which the Armed Neutrality was formed,—will be for ever done away with, and England's maritime power, her most effectual weapon of offence, will be taken out of her hands.

After the war of Independence, the Americans borrowed the *form* of their Constitution from us. But in their administration, they have popularized the theories of Sydney, Milton, and Locke. Since that time they have "gone a-head;" they have "progressed." And what have they arrived at? What is the result of their experiment? A contradiction; an inconsistency. If the people are really the source of power, what is the good of balancing "State Rights" and "Federal Rights"? By accepting the theory that the people are the source of all power, they have already cut away the ground from under their feet. Thus the Northerns, by holding a false theory, have "progressed" to a revulsion, and now appear,—equally distant from the truth on the other side,—as the assertors of legitimacy, against revolution. "That splendid fabric, the Union," say they, "has a legitimate right to your allegiance; it is sinful to subvert its power!" Thus have their Lockian theories brought them to a dead lock. How much more true was the assertion of Cicero: "Ritè ab eo dicendi principia capiamus, quem unum omnium deorum et hominum regem esse omnes docti indoctique uno ore consentiunt. . . . Est igitur res publica res populi; populus autem non omnis hominum cœtus quoque

modo congregatus, sed cœtus multitudinis juris consensu et utilitatis communione sociatus. . . . Brevi, multitudo dispersa atque vaga, concordia civitas facta erat."*

Compare the above with the following words of Burke: "The King is the representative of the people; so are the Lords; so are the Judges. They are all trustees for the people, as well as the Commons; *because* no power is given for the sole sake of the holder; and although Government is certainly an institution of *divine authority*, yet *its forms*, and the persons who administer it, all originate from the people."

The only legitimate despot is, not a prince, not a Parliament, not the people; but Justice, or Reason itself. Every other power is unreasonable and unjust, whether in prince or in people.

The people are not the source of all power; Government does not rest only on the consent of the governed; unless indeed these terms be so far limited and restricted in meaning, as to imply only the consent which the nation originally gave to the conditions on which it would submit to be governed. The conditions which were agreed to between the governors and the governed, which were imposed on the rulers by the rest of the nation, and on the nation by the rulers, is simply the constitution of the country. This constitution or solemn concordat is supreme over both rulers and people. It lays both governors and governed under an equal obligation and restraint. It is the expression of the nation's idea of Justice. When those common phrases are taken in this sense, then they imply a truth; from which there follows, as a corollary,

* Cic. de Rep., l. i., c. xxv., xxxvi.; and see Aug. Ep. cxxxviii. 10.

that the people are as guilty, when they violate the Constitution, as the Sovereign would be if he were to infringe it. Thus Bolingbroke wrote in his "Essays on Parties":—"The settlements, by virtue of which he (the Sovereign) governs, are plainly original contracts,—his institution is plainly conditional; and he may forfeit his right to allegiance, as undeniably, and effectually, as the subject may forfeit his right to protection. . . . . The laws of the land are known, and they are sole springs from whence the prince can derive his pretensions, and the people theirs."*

And again he says: "Thus, if a Parliament should persist in abetting mal-administration, or any way give up those liberties which they were entrusted to maintain, no doubt can be made but that the people would be in the same case; since their representatives have no more right to betray them, than their kings have to usurp upon them; and by consequence they would acquire the same right of appealing to Heaven, if our Constitution had not provided a remedy against this evil, which could not be provided against the other; but our Constitution hath provided such a remedy in the frequent succession of new Parliaments, by which there is not time sufficient given to form a majority of the representatives of the people into a ministerial cabal; or by which, if this should happen, such a cabal must be soon broken." †

De Tocqueville wrote a book to show the evils that result from a despotism by the people, and the contradictions which are necessarily involved in the common acceptation of the phrases: "The people are the source of all power," and "Government must rest on the consent of the governed." Mariana, in

* P. 103. † Ibid. p. 129.

his *De Rege et Regis Institutione*, demands only a single postulate, namely, the sovereignty of the people. From that premise he evolved the right of any individual to assassinate his king. Sovereignty of the people is merely a euphemism for despotism by the many. And despotism means brute force. On the other hand, let us ask ourselves what we mean by the term Government. What is government? How does government rest on the consent of the governed? Tyranny cannot be called government. When a single man, who has great power and great means, employs that power and those means, and uses all the people within his reach, merely to gratify his caprice, no one will say, when speaking with caution and propriety, that the exercise of power in such a manner is government. From the idea of government caprice is excluded.

So, also, if a mob has power, and uses it merely to gratify the passions and whims of the moment, this is not government. From the idea of government all passion, as well as all caprice, is excluded. Law is inherent in government. The Rulers, as well as the Governed, must obey some Law. As all passion and all caprice is excluded, this law is not the "might of the stronger;" it must be the Law of reason or of Conscience. Plato asserted and proved that Righteousness is the essence and foundation of government. Cicero said that the State can stand on Justice alone. Justice is a Latin term, of which the old English equivalent was rightwise-ness. The standard of Right is the essence of government. Caprice, or the gratification of passion, is lawlessness, or the contrary of Law. The Law, which constitutes government, the Law which is Supreme—over rulers as well as ruled, is known by Conscience.

Look at this in another light. Government is a a method. A mere harum-scarum scramble after the whim of the hour is not government. No more can a mere dogged, passive, unmoving resistance be called government. Government is method. The word Method denotes the passage to some predetermined end, by progressive steps. The end of government must be the utmost good: "ultimate good" or the "summum bonum" of the ancients. The progressive work of government consists in applying the Supreme Law to cases as they arise. To manufacture "laws" is caprice; it is serving the notion of the hour, or gratifying the passion of the day. This is lawlessness; it is the very contrary of government. Legislation consists in asserting the Supreme Law (the Law which rulers and ruled must equally obey), and declaring the application of it to certain cases. To govern is, in fact, to administer the Law.

There may be different ways of carrying this out,—different methods,—different means for attaining the end; although the end must be, in every case, the same. In other words, there may be various "*forms* of government." The question then arises: How is this matter to be determined? To answer this question, let us first consider what right one man has to govern others. To declare the Law which is over all, is the function of Reason or the conscience. The result must the same for all who exercise their reason. To apply the Law in the different cases which arise is similarly the work of Reason. *So far* no man has a better right than any other man to govern the rest. Most men, however, do not consult their reason; most men entertain opinion; most men are influenced by passion. Those alone can rightly govern who are

themselves subject entirely to reason or conscience; and therefore do not entertain opinions, and are not swayed by any passion. As no one, however, is free from passion and unfettered by opinion, the only thing which can be done is to frame certain rules, which shall, as far as possible, check, if not exclude, the baneful operations and influences of men's blinding passions and conflicting opinions.

Again, as those who are not entirely guided by reason have no inherent right to govern others, therefore those others must come to certain terms, and give their consent to be governed, on certain conditions, by those who are men of like passions with themselves; those conditions being this,—that the rulers should govern according to prescribed forms, and be subject to certain rules, which shall exclude the operation of their passions, and the influence of their private opinions. The object of this is that reason might have as much sway as possible in the State; or, in other words, that the whole nation should, as far as possible, be subject to that Supreme Law which is over all.

This agreement (*i. e.*, these forms which have been fixed upon, these rules of government to which all have given their consent) is called *the Constitution.* The object of the Constitution is, therefore, to exclude the influence of private passions and opinions, and to cause all national acts to be in accordance with the Supreme Law, which is implanted in every man, and which every man can perceive, if he will but think. The Constitution embodies the nation's idea of Justice.

The rulers must therefore govern according to the Constitution; that is to say, they have only to administer

the Laws. The legislative body which has been framed under the Constitution (of whatever form that body be) has merely to declare and apply the Law, but may not manufacture "laws" (*i. e.* alter the Constitution). For it is by the Constitution alone that the Legislature has any right or authority to govern (*i. e.* to apply and declare Law). For the Legislature, or the Administration to alter, or annul, or even disregard the Constitution is to annihilate its own authority; to break a solemn agreement; to deny and abjure its right to govern; to commit the greatest of crimes; to erect a tyranny. In this sense alone, it seems to me, can government be said to rest on the consent of the governed. If any more immediate consent be assumed as necessary, surely the Southern States have a right to refuse their consent to the Federal Government, and secede from the Union. And if States may secede from the Union, may not counties, by the same rule, secede from States? If such a theory be accepted, then when decomposition begins no one can put a limit to its progress. The notion of severance will spring up wherever local interests are at variance with general policy. Once the right has been admitted, it never can consistently be denied. We are thus driven to accept either a despotism, or else a complete and irresistible decomposition and dissolution, if any consent apart from the original constitution be assumed as necessary.

If the Northerns were however to succeed in subjugating the Southerns, where would be their own vaunted constitutional freedom? If a huge army, flushed with recent victory, boiling over with passion, enamoured of plunder and excesses, is to hold a great Poland in subjection, where will then be the sense of "equa-

lity?" Where will be all legal rights? Even if we were to suppose that the North has a more legitimate right to sovereignty than a King of Naples, yet, if the North ever be victorious, free government will be a less likely phenomenon in America than it would be in the kingdom of the Two Sicilies. Verily, those who invoke the "prerogative of the people" are somewhat baser traitors, and greater hypocrites; they err a little more meanly, and have to stoop somewhat lower than those who bow before "the right divine of kings to govern wrong." For whilst democracies have just the same passions as despots, we may on the other hand ask, in the words of Cicero, "Quid quæso interest inter unum et plures, si justitia est in pluribus?" The forms (or rather the accidents) of Government matter very little. America has had enlightenment, education, unlimited territory, freedom, "civilization," wealth, and all those phantoms which are supposed to render a people great and wise. Yet all these shadows have been impotent to hold her back from littleness and folly. But a year ago—nay, less than a year—what views did we in England take of that vaunted "popular form of government" in America? We allowed that the Americans might be infected with trade notions somewhat sordid; we confessed that their "standard of morality" was low; yet we ascribed to their form of government all the virtues of peace and retrenchment; we eulogized them for being repugnant to a standing army; we said that they would resist the slightest encroachments of a Ministry upon the liberty of the citizen. All these good qualities we attributed to their "popular form of government." *Now*, we are called upon to witness all the horrors

of a fratricidal war; to hear of an expenditure far more reckless than the outlay of any "old-world despotism." The surface-covering has been torn off; the true character has been revealed. As the Trumpet of the Archangel will make thousands of graves burst open on the greensward, and discover tombs of corruption beneath the grass where we have been reposing; and cause the stillness of the sea to be disturbed by the dead which she will give up; so this day of judgment and of danger in America has revealed the fact that the life of a nation does not lie in the accidents of its Government; it has proved that the death of a nation springs from that luxury, that "civilization," which has been so vaunted; from a degraded morality, and from consciences seared. I think it was Channing who remarked that people in America are not content to live "in that station of life in which it has pleased God" that they should be born; that, if they are poor, they are not content to live as poor men should live. Everywhere there is craving, struggling, penury. Then comes the readiness to take what really are bribes,—the eagerness of the needy to get the bribe of office; or the intriguing of the rich to obtain the bribe of "honours" for adorning their magnificence.

These words of Dr. Channing are quoted by Mr. Spence ('The American Union,' p. 61):—"But *this conscience had been deadened by the intoxicating influence of worldly prosperity*, and boastful pride, with which the sudden expansion of the cotton and sugar interests had drugged the commercial classes. The slave oligarchy of the South, and the capitalists of the North, the great planters and the great manufacturers, divided as they were on some points of policy, yet brought a

concerted power to bear upon public opinion, until the mean law of mercenariness took full possession of political parties. The moral degradation that ensued was awful."*

Mr. Spence also quotes the following from an American writer:—"The maxim of 'All is fair in politics' operating upon a population *relaxed by an overwhelming prosperity*, and cursed with a preternatural sharpness, has debauched the morality of the whole nation. . . . So long as the rulers only of a people are dishonest, liberty is safe; but what is to become of a nation, the people of which are corrupt?"

Mr. Clay, in his address to the people of Kentucky, asserted that "a general demoralization has corrupted the first minds of the nation; its hot contagion has spread amongst the whole people. Licentiousness, crime, and bitter hate infest us at home. . . . I appeal to history, to reason, to nature, and to conscience, which neither time, nor space, nor fear, nor hate, nor hope of reward, nor crime, nor pride, nor selfishness can utterly silence,—are not these things true?"

Justice Story's Commentaries contain the following words:—"The fate of other Republics, their rise, their progress, their decline, and their fall, are written but too legibly on the pages of history; if, indeed, they were not continually before us in the startling fragments of their ruins. They have perished, and perished by their own hands. *Prosperity* has enervated them; *corruption* has debased them; and a venal populace has consummated their destruction. . . . Patronage and *party, the triumph of a leader*, and the discontents of a day, have outweighed all solid prin-

* Spence's 'American Union,' Nov. 1861. Bentley.

ciples of government. Republics are created by the virtue, public spirit, and intelligence of the citizens. They fall when the wise are banished from the public councils because they dare to be honest; and the profligate are rewarded because they flatter the people in order to betray them."

The mortal sickness of America is in no way different from the pictures, portrayed by historians' hands, of the death of States in former times; they describe how the people cared for riches and luxury, while they despised justice and neglected liberty; how the executive grasped at powers unknown to the constitution; how discussion was evaded or stifled; how local authorities were swept away, because they were "inconvenient" to an ambitious central government. These same things have taken place in America; men have been imprisoned on mere suspicion; Fort Lafayette is the Bastille where political prisoners languish in dungeons; letters are opened; the electric telegraph stations are seized; newspapers consfiscated; an English Cabinet messenger, with despatches, arrested. Such things have been done as we have been accustomed to hear of in cities tottering to their fall. All this while the Senate and the nation are blind to their state; they are such as Lord Wodehouse, in his evidence before the House of Commons this year, has described the Parliament and nation of England, "*an uninstructed and inconvenient mass.*"

Whenever these things happened in other countries, our remedy always was to give a popular government. *Now*, we see how false the conclusion! These things have occurred under the *most* popular government. A body of representatives, elected by

the widest and most extended suffrage, is no more a guarantee and safeguard for the liberties of the nation than it is the well-spring of all those other virtues of patriotism, peace, and economy, which have so often been erroneously ascribed to it. The people themselves must be citizens; they must each and all fulfil the duty of citizens; they must inquire and watch for themselves, and set their faces against all lawlessness and wrong-doing on the part of their representatives. The old panacea has at last most signally failed. Therefore let us try another elixir of life; that namely which all the greatest statesmen and political philosophers of old recommended. Let the people themselves become just, honest, and vigilant; and let them look after their own affairs. Cicero's words may have some weight on this point:—"Sed hoc verissimum esse, sine summâ justitiâ rem publicam geri nullo modo posse." (Cic. de Repub. lib. ii. c. xliv.: this is rehearsed by St. Augustine in Civ. Dei, ii. 21, who there continues thus concerning the third book of the Republic of Cicero, which has been lost:) "Tum Lælius, rogantibus omnibus, justitiam defendere adgressus est, adservitque quantum potuit, nihil tam inimicum quam injustitiam civitati, nec omninò nisi magna justitia geri aut stare posse rem publicam. . . . Docet deinde quanta sit in disputando definitionis utilitas: atque ex illis suis definitionibus colligit, tunc esse rem publicam, id est rem populi, cum benè ac justè geritur, sive ab uno rege, sive à paucis optimatibus, sive ab universo populo. Cum verò injustus est rex, quem tyrannum, more Græco appellavit; aut injusti optimates, quorum consensum dixit esse factionem; aut injustus ipse populus, cui

nomen usitatum non reperit, nisi ut ipsum tyrannum vocaret; non vitiosam, . . . sed . . . omnino nullam esse rem publicam."

If people will but think, they will "know of their own selves" what is right and just and honest in the administration of the affairs of the State, as well as in the management of their own households. The charge which was brought against a people in such a "controversy" as that which is now being carried on in America was this:—"My people will not consider." Let us however also ask ourselves whether we in England do not likewise applaud lawless acts which have been perpetrated by our rulers abroad; whether we have not, in fact, erected a temple like that on Acro-Corinth, dedicated to "Necessity and Violence." Have we not assumed, as our principle in politics, that "might is right"? Are not we also getting careless about our Constitution at home, and ignoring the fact, that, when once the breach is made, then all is lost and our only hope is gone. "Except we repent, we shall all likewise perish." I cannot refrain from quoting the words of one of our great statesmen in the House of Commons (Windham, February 8, 1808):—"What! shall we be told that we are to give ourselves up to hatred and dishonour and reproach in perpetuity, for the sake of avoiding the comparatively little contingencies of next summer? These dangers would continue, or be partially lulled, till new dangers ripened and burst upon us. The routine of affairs might seem to go on as before, but not so the policy; not so the character of the country! What shall we think when we find that we have created the hatred of nations for generations to

come, who will constantly remember our misdeeds when they behold the monuments of our ravages,—when they point at the sad memorials of their destruction,—when they see the remains of their public edifices; of that beautiful church, which was the pride of their capital, an awful ruin; when the recollection of our bombardment is rendered perpetual by the melancholy sentiment inspired by the eternity of the tomb? . . . . The value of our gain will be soon gone; but our loss, I fear, is perpetual: time will teach some of the young members of this House, by her awful lessons, the importance of justice, and the punishments that await its violation."

In fact, the form of government matters very little, if the object of a government be not attained. Why moreover should governments be always classified according to their forms (or rather, accidents), and not according to their essence? Monarchy, aristocracy, republic, are only "*accidents*" of the life of a people, and do not relate to the elementary condition of society. There are, in fact, (as M. Odilon Barrot has well said,) "only two forms of government; that which absorbs individual energies, and that which leaves them a free expansion; a government which tries to govern in everything, and that which leaves things to individual spontaneity; centralization, and local administration." The accidental character of government matters little, if only the object of government be attained. The end of all government is to make men better,—to promote justice and harmony. That end has not been attained in America; *there* is contention, rivalry, lawlessness. Yet the civil war is but a little evil; for it is only the external result. It is a passing evil; for it is seen.

The moral evil is of much more moment; for it is the cause. This spiritual evil is infinitely worse; for it is not seen. It is therefore, also, ignored. General Jackson, speaking thirty years ago, of the growing corruptions of his country, predicted that these corruptions would lead to contention and strife, to a disturbance of the peace, and a breaking up of the Union.*

This corruption of the moral sense has produced discord; the eagerness for riches has destroyed the sense of justice. The following is from a letter, dated October 9, 1860, from Mr. Edwards Pierrepont, one of the Judges of the Superior Court of New York, to Mr. E. D. Morgan, President of the State. He is tendering his resignation, and stating his reasons for taking this step:†—"We are all madly hastening to be rich, *leaving justice, order, and government* to take care of themselves, or to be cared for by those who will trample them in the dust. . . . *Bad government and false notions of what is worthy*, always go together, and act and react upon each other, as they do here. Hence this unpromising feature in our civilization glaringly presents itself, namely, the insane passion for *outward grandeur and meretricious display* which everywhere prevails. . . . The young man of good character, making his toilsome way up through the thorny road to honourable distinction in this great wilderness of men, cannot marry, because society imposes upon him expenses which he cannot meet; his pride revolts at alliance which deprives him of manly independence or degrades his position among men.

* See his Messages and Notes to Congress.

† From J. P. Cobbett's 'Causes of the Civil War in the United States.' September, 1861.

. . . If our wise and good, rich, intelligent, and honest citizens think these things of no moment, they will let them alone, as they have heretofore done; but they may rely upon it that these things will not let them alone."

It has been acknowledged on all hands that there is a great disregard of Law and Right in the United States. Self-will, and not the rule of Law, is always the prevailing motive with them. Individual license is the very essence of their acts, and the staple of their politics. This therefore causes the lawless and unjust acts of their rulers.

Yet they have lately complained of having such a weak executive; they lately have said in an objurgatory tone "that they have *no* Government." Of course not. Laws in themselves have no power. Laws can effect nothing unless the people have a respect for law and right. Therefore a government can have no influence (unless *by mere brute force*), except there be a moral feeling, a sense of justice, in the people. Hence it must be the object of every government to foster this feeling. However, according to the American theory, the only duty and end of government is to afford "protection to persons and property." The spread of such a theory is a greater disaster than the dissolution of the Union. Why should persons and property be preserved?—the State would become no poorer if property were to change hands, and no weaker if a few lives were lost. To the following answer we must arrive by one route or another: that persons and property must be preserved in order to avoid the anarchy which would otherwise ensue, and the disregard of all justice which would be engendered. So, then, this protection is but a *means* to

effect a moral end. Such must be the end of government, unless the only object in life is to become rich, by fair means or by foul. To deny a moral end in government is to deny government itself; for you thus take away the only ground on which the obedience of rational creatures can rest. You set law at nought, you become either the infidel apostle of anarchy, or the caterer and pander to the tyranny of brute force.

Another theory which has been hastily taken up, in order to avoid being driven to the right conclusion, is that trade is the bond which unites communities; that commerce is the olive-branch of peace and harmony, and the very foundation of society. How often must the same farce be acted before our very eyes, ere we shall acknowledge that trade has failed over and over again to produce peace and harmony; that it is generally only the forerunner and cause of discord and injustice at home, of war and bloodshed abroad? Two forays; millions of money; and oceans of blood, form the hecatomb when commerce chooses to step over to China. Maori murders are the footsteps of "civilization" at the antipodes. There is no knowing what power Trade and the Funds may not have to sprinkle blood on Mexico, Tartary, or Japan. This commercial civilization is more like a Dahomey than a Jerusalem. Cicero said the same; as for instance,—"Est autem maritimis urbibus etiam quædam corruptela ac mutatio morum: admiscentur enim novis sermonibus ac disciplinis, et importantur non merces solum adventitiæ sed etiam mores, ut nihil possit in patriis institutis manere integrum. Jam qui incolunt eas urbes, non hærent in suis sedibus, sed volucri semper spe et cogitatione rapiuntur à domo

longius: atque etiam cum manent corpore, animo tamen excurrunt et vagantur. Nec vero ulla res magis labefactatam diu et Carthaginem et Corinthum pervertit aliquando, quam hic error ac dissipatio civium, quod mercandi cupiditate et navigandi, et agrorum et armorum cultum reliquerant. Multa enim ad luxuriam invitamenta perniciosa civitatibus subpeditantur mari, quæ vel capiuntur vel importantur" (Cicero de Repub. lib. ii. cap. iv.).

And these are the words of a well-known writer:—"It is not by the accumulation of wealth, or extension of dominion,—it is not by the possession of armies or of navies that greatness is attained or tranquillity secured. These things, important and valuable as they are, yet are not the sources of power. There is a possession beyond them, by which these are created, without which they are useless,—national character. A nation's destinies are in its mind; its circumstances flow from its qualities; its strength lies not in its political institutions, but in its individual character. Whereever men are just and prudent, the nation will live and prosper. . . . We read in history of the fall of nations through the decay of their institutions; but if history really were the handmaid of philosophy, we should learn that the decay of institutions is an effect and not a cause; and that things which men's opinions create, interpret, and apply, have no existence,—whatever the form they wear, whatever the name by which they are known,—save in the spirit of the age. Whatever produces unworthy desires or ignoble subserviency in the people of a country, exposes to hazard the politic body, because the parts have been corrupted; renders feeble and valueless its forms of government, because principles of honour and a sense of

dignity are wanting in the men. Implant in a people an object of policy which is not just,—cause it to submit to an act which is dishonourable,—and you instantly sink the value of each individual of which it is composed, and lower at once institutions, power, and character; diminish the value of possessions and of existence,—for whatever detracts from the morality of a people, diminishes its happiness."*

This *temporary* disaster in the United States will be a blessing if it gets rid of the more *enduring* evil of these godless theories and faithless notions.

If these criticisms be true, then they will be laughed at. When a man is afflicted with moral blindness, he cannot see the state he is in. When his conscience is callous, he cannot feel the touch of shame. And not seeing, he will not believe, but will laugh outright. "Populus vult decipi, et decipiatur." Yet is it not true that they (and we too) look upon a fall in the funds as something worse than the less perceptible fall in morals?—that they consider the greatness of a nation to consist in material welfare and commerce; even when the people have lost their conscience by inventing for themselves a standard of "political morality"? The greater the blindness, the nearer the danger, the less always will it be believed. In Rome corruption was rampant; and all sense of right, and all aspiration for what is good, all love for what is pure and honourable was gone, whilst the Emperors were reigning in magnificence and power, and the people passed their lives in a sense of security and splendour. This has been enlarged upon by many writers. But Michelet has shown that this corruption and decline began at the time when Rome

* Urquhart's 'Exposition of the Boundary Differences,' 1839.

thought herself greatest and freest. Her ruin and decadence had begun a century before the battle of Pharsalia; but it was unobserved, ignored, and discredited. How grovelling were the people before the Flood! They went on marrying and feasting, and gossiping, as if there were real enjoyment in their daily life; they knew not that they had sunk so low that nothing short of a deluge could purge the world. Such was their apathy! such their indifference! such ignoring of their guilt, and making light of their crimes! The nobles of Babylon were feasting while the arms of the Medes were clanging at the very gates. The Jews were torn by faction, while Titus surrounded their walls, and was crucifying all whom he could catch. None of these would make the effort to think; or if they did, it was merely for the pleasure of languid excitement, and not for the more momentous duty of knowing what they were. So also the Athenians were careless and light-hearted, when the battle of Chæronea was being lost.

> "The guilt of some, the heedlessness of all
> Bent the great city to its fate and fall;
> Till gold at last made safe the traitor's way,
> And bowed all hearts in bondage and decay."

It has been said by Americans themselves that this civil war has been brought about by "unexampled progress, and the rapid advance of civilization;" that the great cities which have been raised up by civilization, as the centres of commerce, are but the hotbeds of iniquity; that their progress has been towards evil, not towards a *summum bonum*.

The 'Atlantic Monthly' says that the misfortune of the United States is that government has always been the prize of those men who take up politics merely as

a "*speculation*," rather than as a duty which each citizen owes to the State; and that thus has arisen that scepticism and want of principle in their statesmen which always proves so dangerous in times of excitement; so despicable and base in times of tranquillity. Their representatives in fact abdicate the functions of statesmen, in deference to public opinion; while the Press manufactures public opinion for the statesmen, by writing for an "ignorant mass" who are certain to receive every unfounded notion which they find in print. Such statesmen drift helplessly before the misty notions of those whom they ought to guide. This is bad enough in itself. It also reacts on the people themselves; for no one in America has a chance of election who does not incessantly flatter the electors, and tell them they are a most enlightened people, and live under the best institutions in the world. He must not only accustom himself to utter this falsehood, but he must also be prepared to act upon it, and obey the impulses of the majority. The noble mind which would lead public opinion, has there no chance against some adroit adventurer or submissive tool. No great man can stoop to sycophancy; and the many cannot appreciate the high standard of morality of a just man. Thus the Senate has become the playhouse of passions. Of statesmen there are none; all are politicians. What is the result?

The many govern not only their representatives, but also rule the minority with the iron hand of a despot. People talk of the "Slave-holding despotism" of the South; but the Procrustean-uniformity despotism of the North is much more grinding.

A letter from America, in the 'Times,' informs us

that "there is no liberty, nor even freedom of opinion. . . . Expression of opinion may cause instant death on the spot. The most cruel and atrocious acts are perpetrated by the rabble, who style themselves citizens. Every stranger is watched; every word is noted; espionage commands every key-hole and every letter-box." And Frederic Kapp writes from New York, in 1860, that "the spirit of despotism in America, that is, irresponsible power, is exercised over men's bodies, and even over their opinions."*

The omnipotence of a majority is despotism; and wherever there is not complete anarchy, it is sure to be accompanied by an administrative despotism, or bureaucracy. Wherever there is a despotism,—whether it be despotism by a majority, or by an oligarchy, or by a crowned head,—there must necessarily be a bureaucracy, or a "centralizing system." Centralization, is absolute power. The only escape from a bureaucratic, centralizing system, is in rebellion: the only safeguard against such a despotism, is in local administrations. This is the only safeguard; whether the *form* of the state-government be a monarchy, or a republic. All dead and inert rules and restrictions are utterly useless against the encroachments of power. Any law, which stands in the way, will be broken through; any constitution will be violated. There must be restraints in living forces which are always at work. Each locality must govern itself, and thus be a barrier to the growing and over-ruling despotism of a majority, or of an oligarchy, or of a single tyrant. Last year, Lord Grey asserted, in the House of Lords, that all the barriers against democracy, which the statesmen of the Ame-

* 'Demokratische Studien.'

rican Revolution had set up (*i.e.* the Constitution), had been swept away. Mr. Everett undertook the defence of his country, and replied, that the greatest constitutional check of this kind, viz. the independent rights of each State, had not been swept away; but had been jealously preserved and maintained. This was said a year ago. He can say so no longer. Lord Grey's words might then have been premature; now they are true. Democracy rules by the same brute force as imperial power. Obedience is exacted by the point of the bayonet, or by fear of the dungeon and of persecution, in the one case as much as in the other. Thus, as Lord Russell said, the Northerns are fighting for empire, and the Southerns for independence or self-government.

Let it however be borne in mind, that the country has not jumped suddenly under this crushing despotism. In such a case they would be fully aware of their position, and would not bear it with such apathy and indifference. They have been brought to it gradually. They have been for years learning to bear the despotism which parties exercise over their members, before they could be brought to bow the neck under this yoke. "Ambitiosi,—privatim degeneres, in publicum exitiosi,—nihil spei nisi per discordias habent." Faction has already been substituted for principles. Mr. Cobbett says:—"The Americans have committed the care of their rights to party. Party has had at its command the aid of a spurious credit, and, by the means of that destructive engine of power, legislative bribery, official abuse, and social corruption have been inevitable. . . . Their chief ground for objecting to the practice of tariffs and monopolies has been, that it was the means of putting

large sums into the possession of men in office, and of thereby jeopardizing the State. Their maxim was substantially that of the old-fashioned Tory, Lord Bolingbroke: 'Better much prerogative and little money, than much money and little prerogative.' . . . We recollect the letter written in May last by Mr. Everett; Mr. Everett, who gave to the anti-American speech of Lord Grey an answer which has found no reply from the noble Lord. Well, the letter of my own correspondent, of the same date as Mr. Everett's, says nearly the same :—'This war had its origin in *faction*. Its aim was, and is, plunder. It continues to be a *factious* stuggle, and plunder is the sole object of the strife. The defunct Administration held power a long while, and the party in power then had rich spoils in executive patronage, under the Federal, State, county, city, and town governments, which, though exceedingly large, were never large enough to be quite satisfactory. Still, these were too good to be quietly replenished, and too well worth having not to excite the "Outs" to a desperate struggle for possession. Hence the Negro question; and this question well served the end of furnishing a pretext for a fight. The "Ins," feeling sure of defeat for themselves, turned to and robbed the treasury, and left an empty box and war to their successors.'"*

The 'Atlantic Monthly,' in unfolding the causes of the civil war, remarks that when a new party comes into office, in America, the officials are all changed. Then a regular revolution is effected by another party attaining to power (this is merely the principle of party government carried out to its legitimate conclu-

* Causes of the Civil War in the United States. (Hardwicke, September, 1861.)

sion). It then continues to remark that by these constant changes all notion of stability, all love of permanence, has been destroyed. People have become familiarized with such revolutionary changes; and the officials have come to feel that they owe their duty and allegiance to their party and not to the Union.

The Northern Government, for instance, in increasing its fleet, has, it is said, been swayed by corrupt motives; it has not bought the best vessels, but bought vessels from the best supporters; it purchases stores from party motives; it gives offices of trust and command for party motives. "Commands" over the "swift-footed warriors" of Bull's Run were distributed from truly party motives.

Mr. Daniel Webster said, at Buffalo, New York, in May, 1851:—"Can we preserve the union of these States? not by coercion, not by military power, not by angry controversies. . . . Gentlemen, I believe in party distinctions. I am a party man. There are questions belonging to party in which I am concerned, and there are opinions entertained by other parties which I repudiate. But what of all that? *If a house be divided against itself, it will fall and crush everybody in it.* . . . We must see that we uphold the constitution, and *we must do so without regard to party.*"

Frederic Kapp writes from New York, that "living in American society is like swimming in a whirlpool; each one is struggling against every one else; and any one who does not struggle will be pushed down and sink. They think only of the present moment. Politics suffer with their morality, and consists in each one getting as much as he can for himself;" and (he continues) "to attain his end he gives up his *freedom of action and becomes the slave of a party.* What absolute

Governments call the 'necessities of State' or 'reasons of State,' are here 'the interests of the party.' His highest ambition is merely to follow. . . . His political morality is that of a shop-keeper; his statesmanship consists in the advance of manufactures; for the sake of which he, ever since the national independence, has sacrificed all great principles by compromises. . . . This loss of conscience, so heedless of the necessary consequences, has given the Americans the greatest political advantages for the moment; but has begun to undermine the very basis of the Republic."*

Mr. Lempriere says "that Seward's cry of one policy (*i.e.* abolition) for all States, has no practical force or meaning, beyond its use as a means of irritating the popular mind, in order to turn votes to the party, on the strength of that exasperation." And Frederick Kapp writes as follows, from New York, in 1860:—"In a country where party government is carried out to the extent that it is here, truth is made subordinate to the ends of party. In the secret recesses of party-life, a truth may sometimes be whispered; openly it is never professed. Hence it is that in every-day life a disinterested truth is never uttered. 'How can we (the party) turn it to profit, or how can we damage our opponents?' is the only light in which every fact is considered." †

The message of Franklin Pierce, President of the United States, (December 2nd, 1856,) contains these words:—"They endeavour to prepare the people of the United States for civil war by doing everything in their power to deprive the constitution and the laws of moral authority, and to undermine the fabric of the Union *by appeals to passions and sectional prejudice*,

* 'Demokratische Studien,' 1861. † Ibid.

by indoctrinating its people with reciprocal hatred, and educating them to stand face to face as enemies, rather than shoulder to shoulder as friends. . . . But they have entered a path which leads nowhere, unless it be to civil war and to disunion, and which has no other possible outlet; . . . the successive stages of their progress have consisted of a series of secondary issues, each of which *professed to be confined within constitutional* and peaceful limits, but which attempted indirectly what few men were willing to do directly,—that is, to act aggressively against the constitutional rights of nearly one-half of the thirty-one States."

Washington, in his farewell address (1796), gives this warning:—"There is an opinion that parties in free countries are useful checks upon the administration of the government, and serve to keep alive the spirit of liberty. This, *within certain limits*, is probably true; and in governments of a monarchical cast, patriotism may look with indulgence, if not with favour, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency it is certain there will always be enough of that spirit for every salutary purpose. And there being constant danger of excess, the effort ought to be, by force of public opinion, to mitigate and assuage it." And again: "All obstructions to the execution of the laws; all *combinations and associations, under whatever plausible character*, with the real design to direct, control, counteract, or awe the regular deliberation and action of the constituted authorities, are destructive of this fundamental principle, *and of fatal tendency. They serve to organize faction;* to give it an artificial and extraordinary force; to put in the place of the

delegated *will of the nation, the will of a party*, often but a small, but artful and enterprising minority of the community; and *according to the alternate triumphs of different parties, to make the public administration the mirror of the ill-concerted and incongruous projects of faction*, rather than the organs of consistent and *wholesome plans, digested by* COMMON COUNCILS, and modified by mutual interest. However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become *potent engines by which cunning, ambitious, and unprincipled men will be enabled to subvert the power of the people, and* TO USURP FOR THEMSELVES THE REINS OF GOVERNMENT, *destroying afterwards the very engines which had lifted them to unjust dominion.*"

The great Franklin said, of the result of party government: "Of what kind are the men that will strive for this profitable pre-eminence through all the bustle of cabal, the heat of contention, the infinite mutual abuse of parties, tearing to pieces the best of characters? It will *not* be the wise and moderate, the lovers of peace and good order, the men fittest for the trust. It will be the bold and the violent, the men of strong passions and indefatigable activity in their selfish pursuits. *These* will thrust themselves into your government, and be your rulers." *

The wars of party are wars for office. The cause of faction is the lust of power; and hatred is its cement and bond. Faction is itself the result of previous legislation. When the only safeguard of liberty, the security against despotism, is broken

* Franklin's Works, (Boston,) vol. v. p. 145: quoted in "Parliamentary Remembrancer," Nov. 1861.

through, then the first symptom of the coming change is the birth of faction. A nation becomes divided into parties or factions, in the administration of their duties as citizens, when the separate action of different localities is superseded by a general legislation for the whole. Then great parties are formed. Then every citizen joins himself to some party. No one takes interest in that which his party does not take up. Each one struggles for the objects of his party. He makes this the "cause" for which he fights. Then he looks with suspicious eye upon his opponents; soon he regards his fellow-citizens as his foes. For he judges events, not in a national point of view, but by the standard of faction. If his political opponents have committed some atrocious acts abroad, he rejoices, and gloats over his country's shame, because it furnishes him with the means of damaging the other faction.

These things act and react upon each other. Disregard of the Constitution gives birth to faction; and party-spirit increases the neglect of the Constitution. When laws are altered instead of being administered, the country will be divided against itself in dispute about those alterations; and those who are inflamed with animosity against their fellow-citizens will try to make laws to subserve their own purposes, instead of being content to serve the laws which exist. The Constitution is always lost sight of when parties arise. The party in power cares not to administer the Law; it seeks to usurp new powers. They violate that original agreement from which they derive their authority, and which contains the terms on which the governed engage to yield obedience. Parties cannot govern; they tyrannize. Let us remember what un-

constitutional acts have occasioned in Canada; let us recall the enormous losses and direful suffering which unconstitutional acts occasioned in England; let us learn from the mournful effects of unconstitutional acts in the United States. Let us bear in mind that a Nemesis is ever vigilant to follow the nation which has committed acts of injustice and tyranny; let us never forget the truth so strongly asserted by the greatest philosopher of Greece, and repeated by the greatest statesman in the Roman Empire, that justice is the only foundation of States.

I have not indulged in speculations as to what might take place. I have but recounted that which has actually occurred, and tried to analyze the facts which have been presented. But if speculations may be hazarded, let us consider what will most likely be the upshot of this secession? The South will not submit, and cannot be subdued. The States must then be divided. Between the North and South there will be feelings of implacable hatred, jealousy, and suspicion. Garrisons must be formed to protect the frontier. There must be standing-armies, army-estimates, and heavy taxation; and the whole institutions of the country must be changed. For when peace is established through weariness in war, the army must be maintained for the sake of security. The very forms of liberty must then be abandoned for the sake of a "strong government." If this takes place in the Northern division, the other must do the same; or else be content to see a strong neighbour menacing her doors. Thus the United States, who were so ready to seek lawless means of aggrandizement, will find that those aggrandizements have worked for her a retribution. The South will be curbed by the

North; the North will be held in check by the South, —as a wraith for the annexation of Texas. One of the reasons given by Ellison against secession, is as follows:—"The free States, hemmed in by Canada on the north, and the Slave Confederacy on the south, would have no room for expansion. . . . . The sickly Republics of Central America would be protected by England and France, and Cuba be lost for ever to the South." The partners in guilt have quarrelled, and will lie in wait, and watch each other, with the anxious eye of jealousy. Power always increases as long as it is used only in the cause of justice; but when power becomes the servant of ambition or greed, it is destroyed by the very service which it renders. Whenever power is abused, the command echoes through the world, "Take it from him who has proved unfaithful, and give it to him who was faithful over ten cities." The United States have often said, "Is not this the Great Babylon which I have built by the might of my power, and for the honour of my majesty?" With this thought they grew overbearing and aggressive and unjust. Their self-will usurped the throne of justice; and now a Nemesis has tracked them to their overthrow.

I will conclude with a quotation from Captain Marryatt's 'Letters on Canada,' printed in 1846:—"It was in 1756 that the French, being in possession of the Provinces, attempted to wrest from us those portions of America which we occupied. What was the result? After a war which, for cruelty and atrocity, is perhaps unequalled in history, both parties employing savages, by whom the French and English were alternately tortured and burnt to death, France, in attempting to obtain all, lost all, and was compelled,

in 1760, to surrender its own provinces to Great Britain. . . . Again: At no period was England more prosperous, or more respected by foreign nations, than at the close of the war. Her prosperity made her arrogant and unjust. She wronged her colonies. She thought that they dared not resist her imperious will. . . . These same tea duties, etc., induced them to rise in rebellion against what they considered injustice, and eventually to assert their independence. . . . Observe again: The American colonists gained their independence, which in all probability they would not have done had they not been assisted by the numerous army and fleet of France, who, irritated at the loss of the Canadas, wished to humiliate England by the loss of her own American possessions. But little did the French king and his *noblesse* imagine, that in upholding the principles of the Americans, and allowing the French armies and navies, (I may say, the people of France *en masse*,) to be imbued with the same principles of equality, that they were sowing the seeds of a revolution in their own country, which was to bring the king, as well as the major part of the nobility, to the scaffold. There again events did not turn out according to expectation; and you will observe that in every attempt made by either party, the result was, that the blow fell upon their own heads, and not upon that of the party which it was intended to crush. . . . The question now is, as two of the parties, France and England, have proved so short-sighted, whether the Americans, having thrown off their allegiance, have not been equally so in their choice of a democratical government? How far a *modern* democracy may succeed, I am not prepared to say; but this I do know, that in ancient times their duration was generally very short, and continually changing to

oligarchy and tyranny. One thing is certain, that there is no form of government under which the people become so rapidly vicious, or where those who benefit them are treated with such ingratitude. There are two principal causes. One is that, where all men are declared to be equal (which man never will permit his fellow to be if he can prevent it), the only source of distinction is wealth; and thus the desire of wealth becomes the ruling passion of the whole body; and there is no passion so demoralizing. The other is, that where the people, or, more properly speaking, the mob govern, they must be conciliated by flattery and servility on the part of those who would become their idols. Now flattery is lying, and a habit equally demoralizing to the party who gives and to the party who receives it. Depend upon it, there is no government so contemptible or so unpleasant for an honest man to live under as a democracy. How far the Americans may disprove such an opinion, remains to be seen; but this is certain, that they have commenced their new form of government with an act of such gross injustice, as to warrant the assumption that all their boasted virtues are pretence. I refer to their not liberating their slaves. They have given the lie to their own assertions in their Declaration of Independence, in which they have been born free; and we cannot expect the Divine blessing upon those who, when they emancipated themselves, were so unjust as to hold their fellow-creatures in bondage. The time will come, I have no doubt, although perhaps not any of us here present may see the day, when the retribution will fall upon their heads, or rather upon the heads of their offspring. For the sins of the fathers are visited upon the children, even to the third and fourth generation."

APPENDIX.

As what has been called my "new nostrum of Government without Party" has met with many sneers in the public prints, I may be pardoned for introducing a few quotations to prove that a method, which I hold to be the only one by which this Empire can escape ruin, has been held, by the highest authorities, as the only one consonant with right reason.

"When corruption (says Davenant) has seized upon the representatives of the people it is like a chronical disease, hardly to be rooted out. When servile compliance and flattery come to predominate, things proceed from bad to worse, till at last the government is quite dissolved. Absolute monarchies are in danger of great convulsions when one man, their prince, happens to be weak or wicked; but commonwealths or mixed constitutions are safe till the chief part of the leading men are debauched in principles. However, monarchy has this advantage, that the one man, their prince, is mortal, and, if bad, he may be succeeded by a better; but *a people thoroughly corrupted* never returns to right reason; and we see that the depravity of manners, which began in Rome presently after the second Punic war among the nobility and gentry, became every year worse, *till at last Cæsar destroyed the Commonwealth.* And after this time, under the succeeding emperors, *every Senate grew more abject and complying* than the other; till in process of time the old Roman spirit was utterly extinguished, and then that empire by degrees became a prey to barbarous nations."—*Political Disquisitions*, 1774, vol. i. p. 376.

"A wise and brave people will neither be cozened nor bullied out of their liberty; but a wise and brave people may cease to be such. They may degenerate; they may sink into sloth and luxury; they may resign themselves to a treacherous conduct, or abet the enemies of the Constitution, under a notion of supporting the friends of the Government; they may want the sense to discern their danger in time, or the courage to resist, when it stares them in the face. The Tarquins were expelled, and Rome resumed her liberty; Cæsar was murdered, and all his race extinct, but Rome remained in bondage. From whence this difference? Machiavel shall account for it: In the days of Tarquin the people of Rome were not yet corrupted; in the days of Cæsar they were most corrupt."—*Bolingbroke on Parties.*

"The event that created much astonishment, indignation, or terror in prospect, creates less and less as it approaches; and by the time it happens men have familiarized themselves with it. If the Romans had been told, in the days of Augustus, that an Emperor would succeed, in whose reign a horse should be made Consul, they would have been extremely surprised. I believe they were not so much surprised when the thing happened; when the horse was Consul and Caligula Emperor."—*Bolingbroke on Parties.*

"The people at large, *when they lose their Constitutional guard, are like a rope of sand, easily divided asunder;* and therefore, when the acting parts of the Constitution shall abuse their trust, and counteract the end for which they were established, there is no way of obtaining redress but by associating together, in order to form a new chain of union and strength in defence of their Constitutional rights. But instead of uniting for their common interest, the people have suffered themselves to be divided and split *into factions and*

parties to such a degree, that every man hath rose up in enmity against his neighbour; by which they have brought themselves under the fatal curse of a kingdom divided against itself, which cannot stand."—*Political Disquisitions*, p. 429.

"There is no complaint which hath been more constantly in the mouths, no grief hath lain more heavily at the hearts of all good men, than those about our national divisions; about the *spirit of Party*, which inspires animosity and breeds rancour; which hath so often destroyed our inward peace, weakened our national strength, and sullied our glory abroad. It is time, therefore, that all who desire to be esteemed good men, and to procure the peace, the strength, and the glory of their country, by the only means by which they can be procured effectually, should join their efforts to heal our national divisions, and to change the narrow spirit of Party into a diffusive spirit of public benevolence."—*Bolingbroke on Parties.*

"On the other hand, to divide or to maintain and renew the divisions of Parties in a State, a system of seduction and fraud is necessary to be carried on. The divided are so far from being accessory to the guilt that they would not be divided if they were not first deceived."—*Bolingbroke on Parties.*

"I return, therefore, and observe that when the spirit of Party failed King Charles, and the corruption he employed proved ineffectual, he resolved to govern, for a time, without Parliaments, and to employ that time, as soon as he had checked the spirit of one Party, by inflaming that of another, in garbling corporations. He had found by experience that it was impossible to corrupt the stream in any great degree, as long as the fountain continued pure; he applied himself, there-

fore, to spread the taint of the Court in them, and to poison those springs from whence the health and vigour of the Constitution flow."—*Bolingbroke on Parties.*

Letter of Sidney in Somers' Tracts, vii. 81 :—

"The honour of *English* parliaments has ever been in making the nation glorious and happy, not in selling and destroying the interest of it *to satisfy the lust of one man.* Miserable nation, that from so great a height of glory is fallen into the most despicable condition in the world of having all its goods depending upon the breath and will of the vilest persons in it! Cheated and sold by them they trusted! Infamous traffic, equal almost to that of *Judas!* In all preceding ages parliaments have been pillars of our liberty, the sure defenders of the oppressed. They who could formerly bridle kings, and keep the balance equal between them and the people, *are now become the instruments of our oppressions,* and a sword in his hand to destroy us; *they themselves being led by a few interested persons, who are willing to buy offices for themselves* by the misery of the whole nation and the blood of the most worthy and eminent persons in it," etc.—*From Political Disquisitions,* vol. i. p. 391.

"This instance (says Rapin) shows that it is not impossible but *that the very Parliament, which is designed to maintain the privileges of the nation, may throw it into slavery,* when such assemblies are directed by *popular factions,* (popular factions are always produced by Ministerial oppression ; . . .) or the cabals of an ambitious prince, which either by running the prerogative too low, or screwing it up too high, has often produced disorder and destroyed all law, instead of procuring the welfare of the kingdom."—*Political Disquisitions,* 1774, vol. i. p. 387.

"We have been all of us, those of every side and of every denomination, accustomed too long to value ourselves fool-

ishly or knavishly, on our zeal for this or that party, or for this or that government, and to make a merit of straining the Constitution different ways, in order to serve the different purposes of each. It is high time we should all learn, if that be still possible, to value ourselves in the first place on our zeal for the Constitution; to make all governments, and much more all parties, bow to that, and to suffer that to bow to none."—*Bolingbroke on Parties.*

"Lord Chatham, in his speech on the Stamp Act, publicly accused a certain assembly of an overruling influence, and added the following:—'I know not how it is, but we observe a modesty in the House that does not love to contradict a Minister. I wish the gentlemen would get the better of this modesty. If they do not, perhaps the collective body may begin to abate of its respect for the representative.'"—*Political Disquisitions,* i. 422.

"How easy still it proves in factious times
With public zeal to cancel public crimes!
How safe is treason, and how easy ill,
When none can sin against the people's will;
When crowds can wink, and no offence be known,
For in another's guilt each sees his own!"

Praed's Fall of Athens.

Among the charges brought against Walpole by Lord Digby, in 1741, (*Com. Debates,* xiii. 198,) was this:—

"That all the titles, honours and pensions, places and other favours of the Crown, have for twenty years past been disposed of to none but such as voted in Parliament, or at elections, according to the direction of the Minister. That within these ten years several persons of high rank and great merit have been dismissed from all the offices that they held at the plea-

sure of the Crown, for no other known or assignable reason, but because they oppose the Minister in Parliament. That officers in the army and navy who got themselves seats in this House, and voted as they were bid, have gained preferments out of their rank, to the disappointment of officers of longer service and greater merit in their military capacity. These things are known to all men, both within doors and without; and are of themselves a strong presumption, if not a certain proof that our Ministers had formed a design to overthrow our Constitution by establishing a corrupt influence in Parliament."—*Political Disquisitions*, i. 452.

N.B. Pelham defended Walpole by saying it could not be proved that Walpole had corrupted the House of Commons. There were in the House, however, hundreds of placemen. All places and pensions had been given to members. If at an election I went among the voters and scattered bank-notes on the ground, should I not be convicted of bribery?

Mr. Pulteney, House of Commons, 1739, on "Placemen being in the House of Commons:"—

"It is this sort of ruin, Sir, we have chiefly to apprehend, and this sort of ruin we may step by step be led into without our being sensible of the several steps. We shall certainly be led into it, if we trust any longer the guardianship of our liberties to those whose foresight is dimmed by the places they enjoy, or expect. If a Minister were to propose a law for giving the Crown a power of sending to every county, city, and borough in the kingdom, such a *congé d'élire* for the choice of members of Parliament as is now sent to a dean and chapter for the choice of a bishop, I believe very few gentleman of family or fortune would, for the sake of any place, agree to it. But an equivalent power may be got by multiplying penal laws, and increasing the number and power of officers; and a gentleman of fortune, family, character, and interest in his country may, by a good place, be induced to believe that such a law, or such an *increase of the number and power of officers*, is necessary for preventing fraudulent practices, or the like; and may

therefore agree to it, without feeling the danger our constitution may be thereby exposed to. Thus by degrees he may be made to agree to such propositions, one after another, till he has thereby established in the Crown the absolute direction of most of the elections in the kingdom. This, Sir, would have been the certain consequence of the late *excise scheme*; and yet there were many gentlemen of family and fortune that approved of it. . . .

Ministers will from thence see that they must grasp at this power by little and little, which they will certainly do, and as certainly at last accomplish, unless we take care to exclude from this House most of those who, by the places they enjoy, are *induced to have a better opinion of Ministers than any man ought to have, that is intrusted with the guardianship of the constitution and liberties of his country*. . . The question, therefore, now before us is, whether a gentleman's eyes may not, by a lucrative and honourable post or employment, be so overclouded as to prevent his seeing through the plausible pretences that may, from time to time, be made use of, by an artful Minister, for getting into his hands, or into the hands of the Crown, such an uncontrollable power as I have mentioned. . . Corruption, Sir, is not the effect but the cause of a general depravity of manners among the people of any country, and has in all countries, as well as this, been first practised and encouraged by ministers and courtiers. It would therefore be ridiculous in us to think of restoring virtue among the people, till we have once made it impossible for ministers and courtiers to corrupt them; and I am sure it would be still more ridiculous in us to think of removing an evil councillor from about the throne, till we have once removed his creatures and tools out of this House. . . . If an *ambitious Minister* should once get a *majority of his creatures and tools into this house, can we suppose they would consent to impeach* or remove him from the throne? But if ever this selfish spirit should get into Parliament, our Constitution will be undone; and to prevent this is the design of the bill now moved for. If no man could, by being a member of Parliament, propose to *get any place, or office, or any advantage to himself, the mercenary and* selfish would seldom endeavour to get

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themselves chosen, at least they would never be at any expense for this purpose; and as such men have seldom a great natural interest in any part of the kingdom there would always be such a small number of them in Parliament, that their opposition could never obstruct or retard anything that seemed necessary for the just ends of government, or for the preservation and happiness of society. The public good would then be the only aim of Ministers, as well as members, because neither of them could hope for success in any other: and as men of good sense and strict honour are the best judges and the most ready to agree upon what is necessary for the public good, it would then be as much the business of Ministers get such men chosen, *as it is now their business to get such members chosen as are men of mercenary tempers, or shallow understandings; for all Ministers will have jobs to do in Parliament as long as they have any hopes of success, and the weak or mercenary* will always be the most proper for this purpose. . . . . For this reason, Sir, as I have a greater regard for the security of the Royal family than I have for that of our present Ministers, or of any set of Ministers that shall ever get into the management of our public affairs, I shall be *for putting it out of the power of any future Minister to overturn our Constitution, by getting a majority of placemen and pensioners into this* House. This, I think, is now become absolutely necessary for preventing our being brought under one of the worst sort of tyrannical governments that was ever contrived or established."—*Political Disquisitions*, 1774, vol. ii. p. 233.

Lord Sandwich, on this occasion (second reading of the "Place Bill," Parl. Debates, Lords viii. 107), speaks as follows:—

"In ancient times, my Lords,—nay, I may say, till after the Restoration,—we had no occasion for such bills. *The Crown had but a few lucrative employments to bestow, and many of those it had at its disposal* were such as were generally granted for life; consequently *no Minister* could hope by such means to

gain, much less to preserve, a corrupt majority in either house of Parliament, and the impossibility of success prevented their making any such attempt. We had then no mercenary standing army, nor had the Crown any lucrative military commissions to dispose of. If an army was at any time raised for foreign service, no officer employed in that army could look upon his post as an estate for life; therefore, though a commission in the army was considered an honour, it was never looked upon as a favour; but, on the contrary, those landed gentlemen who had acquired a character in their country for conduct, courage, and military knowledge, were often solicited to accept of commissions in the army which was to be raised, and when the service was over they returned to live upon their estates in the country, without being at any further expense to the public. *We had then, my Lords, but very few customs and no excises;* consequently a Minister could not spread his excisemen over the whole kingdom to influence elections in counties, or to govern them in most of our inland boroughs. . . . *Parliaments, we know, are designed to be a check upon Ministers;* we likewise know that almost every post in the disposal of the Crown is left to the arbitrary disposal of Ministers; and we also know that no Minister ever did or ever will give a lucrative post or employment to a man who opposes his measures in Parliament. From late experience we know that some of the highest officers in the kingdom have been dismissed for no other reason but because they disapproved of the measures pursued by our Ministers, and had honour enough to declare their disapprobation in Parliament. Can we then expect, my Lords, that the other House will be a check upon the conduct of our Ministers, as long as there is a majority in that House who enjoy, or expect, lucrative and honourable employments from the benevolence of these very Ministers? I shall not say that in such a case the members would all be corrupt in their determinations, but I will say that in many cases they would be biassed in their judgments, and thereby induced to approve of what, in duty to their country, they ought to have disapproved of, or to put a negative upon what, in duty to their country, they ought to have given their consent to. . . . No inconvenience, but great benefit, has accrued from that

law which disables commissioners and officers of our customs or excise from being members of the other house. ... . Experience must therefore give a favourable opinion of this bill. Can it be said that in the year 1693 we were influenced by any factious discontents? And yet in that year such a bill as this, which was intituled 'A Bill touching free and impartial proceedings in Parliament,' passed both houses, but by the advice of the Ministers was refused the Royal assent,—as several others had been during the beginning of that reign. Can it be supposed that in the year 1701 we were governed by any factious. discontents? and yet, in he Act then passed, there was an expressed clause for excluding all placemen from having seats in the House of Commons after the settlement then established should take place, which clause met with the approbation not only of both Houses of Parliament, but of the Crown itself. And surely no man will derogate so much from the known courage of King William as to say that he would have allowed himself to be bubbled by any faction or party into a regulation which he thought would strike at the root of our Constitution."—*Political Disquisitions*, 1774; vol. ii. 242.

"Your Lordships [says the Earl of Chesterfield, in the debate on a bill for making officers independent of the Ministry, A.D. 1734,] are, I am sure, all convinced that the happiness, the essence of our Constitution, does not depend upon outward forms, but upon realities. *Our Constitution does not depend upon our having always a Parliament, but upon that Parliament's being independent of the Administration;* upon its being in the power of Parliament to examine severely, and judge impartially, the conduct and the measures of those employed in the Administration, to represent the grievances, and to watch over the liberties and the properties of the people of this nation, and to take away evil councillors from before the King." (Lords' Debates, iv. 199.)—*Political Disquisitions*, vol. ii. p. 60.

"Whilst a real difference of principles and designs supported

the distinction, we were divided into national parties; and this was misfortune enough. It was lamented as a great one at the time by every good man of every party. But if the distinction should remain when the difference subsists no longer, the misfortune would be still greater, because they who maintained the distinction in this case would cease to be a party and would become a faction,—national interests would be no longer concerned, at least, on one side; they would be sometimes sacrificed, and always made subordinate to personal interests, and that I think is the true characteristic of faction. . . . When the Court fomented our national divisions, the very worst designs were carried on; for to divide can never be an expedient for good purposes any more than to corrupt, since the peace and prosperity of a nation will always depend on uniting, as far as possible, the heads, hearts, and hands of the whole people, and on improving, not debauching, their morals. '*Divide et impera*' is a maxim often quoted; how are we to apply it? There is no place for it in arbitrary governments, for in them the interest of the governors requires that a servile union—if it may be called an union—should be maintained by the weight of power, like that of slaves in a galley, who are united by their chains, and who tug the oar together at the sound of a whistle. In free governments it can have place as little, whilst they who are at the head intend the maintenance of liberty. To what case, then, can it be applied? There is but one, and that is the case of those who *aspire to more power than a free constitution of government gives them. Such governors must divide and incense parties* one against another, that they may be always able to bribe the passions of one side, and so usurp on both. . . . There are indeed circumstances wherein it may suit the interest of a Minister. Till the sword of civil war be drawn, a Prince can scarce become irreconcileable with his people, and be reduced, for want of national strength, to support his power and dignity by the force of faction. But a Minister may fall easily and soon into this desperate state; and after fomenting, as long as he could, the divisions of parties, he may have no refuge but in faction. There may be such a conduct as no national party will bear, or at least will justify; but faction hath no regard to national

interests. Faction therefore will bear anything, share in anything, justify anything. If the Minister who takes this method to support himself hath any art, he will endeavour to disguise his faction under the name and appearance of a national party; but even this disguise will soon fall off,—the best of those who were engaged in the party will quit the faction, and then the latter must stand confessed to public view. . . . Incapacity often begets sufficiency, and yet a consciousness of incapacity often begets a jealousy of power, grounded on a sense of the superior merit of other men. The Minister who grows less by his elevation, like a little statue placed on a mighty pedestal, will always have this jealousy strong about him. He must of course select a faction to himself, and this faction must be composed, to answer his purposes, of men servilely obsequious, or extremely inferior to him by their talents. Whenever this happens, the reign of venality, of prostitution, of ignorance, of futility, and of dulness commences. The Minister will dread to see the persons employed whom he secretly esteems, for this very reason,—because he esteems them. Abilities to serve the commonwealth will be an objection sufficient to outweigh the strongest proofs of attachment to the person of the Prince and of zeal for his government; nay, even the merit of a whole life spent in giving these proofs. In short, the very reasons that should determine the Prince to employ men, will determine the Minister to proscribe them. Dislike or contempt of him will pass with his master for disaffection to the government; and under this pompous name of Government, will nothing but the paltry interest or humour of the Minister be couched."—*Bolingbroke on Parties.*

"But whatever Ministers may govern, whatever factions may arise, let the friends of Liberty lay aside the groundless distinctions which are employed to amuse and betray them; let them continue to coalite; let them hold fast their integrity, and support with spirit and perseverance the cause of their country, and they will confirm the good, reclaim the bad, vanquish the incorrigible, and make the British Con-

stitution triumph, even over corruption."—*Bolingbroke on Parties.*

"Party is the madness of many for the gain of a few. There never was any party, faction, sect, or cabal whatsoever, in which the most ignorant were not the most violent; for a bee is not a busier animal than a blockhead. However, such instruments are necessary to politicians; and perhaps it may be with States as with clocks, which must have some dead weight hanging at them, to help and regulate the motion of the finer and more useful parts."—*Thoughts of Pope and Swift.*

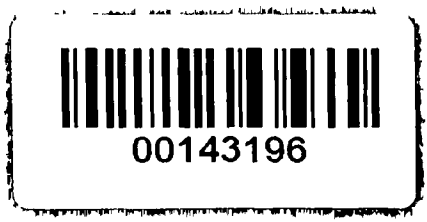
"This has been the great scheme of power in our time. They who will not conform their conduct to the public good, and cannot support it by the prerogative of the Crown, have adopted a new plan. They have totally abandoned the shattered and old-fashioned fortress of prerogative, and made a lodgment in the stronghold of Parliament itself. If they have any evil design to which there is no ordinary legal power commensurate, they bring it into Parliament. In Parliament the whole is executed from the beginning to the end. In Parliament the power of obtaining their object is absolute, and the safety in the proceeding perfect: no rules to confine, no after-reckonings to terrify. Parliament cannot, with any great propriety, punish others for things in which they themselves have been accomplices. Thus the *control* of Parliament upon the executory power is lost; *because Parliament is made to partake in every considerable act of Government. Impeachment, that great guardian of the purity of the Constitution, is in danger of being lost,* even to the idea of it. By this plan several important ends are answered to the cabal. If the authority of Parliament supports itself, the credit of every act of Government, which they contrive, is saved; but if the act be so very odious that the whole strength of Parliament is insufficient to recommend it, then Parliament is itself discredited; *and this discredit increases more and more that indif-*

ference to the Constitution, which it is the constant aim of its enemies, *by their abuse of Parliamentary powers,* to render general among the people. *Whenever Parliament is persuaded to assume the offices of executive government,* it will lose all the confidence, love, and veneration which it has ever enjoyed whilst it was supposed *the corrective and control of the acting powers* of the State. This would be the event, though its conduct in such a perversion of its functions should be tolerably just and moderate; but if it should be iniquitous, violent, full of passion, *and full of faction, it would be considered as the most intolerable of all the* modes of tyranny."—BURKE, *Thoughts on the Cause of the Present Discontents.*

"The distempers of monarchy were the great subjects of apprehension and redress in the last century; in this, the distempers of Parliament."—BURKE, *Cause of the Present Discontents.*

Τοῦτο ἔργον ἀδικίας μῖσος ἐμποιεῖν ὅπου ἂν ἐνῇ.—Plato, Pol.

Ἐὰν ἐν ἑνὶ ἐγγένηται ἀδικία, μῶν μὴ ἀπολεῖ τὴν αὐτῆς δύναμιν; . . . τοιάνδε τινὰ ἔχουσα τὴν δύναμιν, οἵαν ᾧ ἂν ἐγγένηται ἀδύνατον αὐτὸ ποιεῖν πράττειν διὰ τὸ στασιάζειν καὶ διαφέρεσθαι.—Plato, Pol.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